

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE  
COMPANY, JOHN HANCOCK  
VARIABLE LIFE INSURANCE  
COMPANY, and MANULIFE INSURANCE  
COMPANY (f/k/a INVESTORS  
PARTNER LIFE INSURANCE  
COMPANY),

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

CIVIL ACTION NO. 05-11150-DPW

**AFFIDAVIT OF CHRISTOPHER A. MARTINEZ**

I, Christopher A. Martinez, hereby state under oath that:

1. My name is Christopher Martinez. I reside in Austin, Texas.
2. I am a partner in and co-founder of The StoneTurn Group ("StoneTurn"), which maintains offices in Austin, Texas. StoneTurn is a consulting company that, among other things, offers forensic accounting services, including audits directed at assessing the compliance of parties to commercial contracts.
3. StoneTurn was retained by plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (collectively, "John Hancock" or "Hancock") in 2004 to audit defendant Abbott Laboratories' ("Abbott") compliance with the "Research Funding Agreement" between John Hancock and

Abbott, dated March 13, 2001 (the "Research Funding Agreement" or the "Agreement"). I have been called to testify in this action concerning my work on that attempted audit. This affidavit sets forth my direct trial testimony.

*My Background*

4. I graduated from Stanford University in 1988 with a degree in economics. I subsequently obtained a Masters in Business Administration in finance and accounting from the University of California at Los Angeles in 1993. I am certified as a public accountant in the state of California.

5. From approximately 1993 to 1996, I worked for the accounting firm of Coopers & Lybrand, where I was responsible for, among other things, planning, supervising and performing audits of financial statements for accuracy and contracts for compliance. Approximately thirty percent (30%) of my work at Coopers & Lybrand consisted of contractual compliance audits and, during that period, I estimate that I completed at least a dozen such contractual compliance audits.

6. From approximately 1996 to 1998, I worked as a Senior Manager for Barrington Consulting, where my work focused on advising parties to major commercial litigation.

7. From approximately 1998 to 2003, I was a Senior Manager at the accounting firm of Deloitte & Touche, with a brief period during 2000 at two internet startup companies (Commercegov.com and Fish Eye). At Deloitte & Touche, I was responsible for litigation support and contractual compliance audits. Approximately fifty percent (50%) of my work consisted of contractual compliance audits and, during that period, I estimate that I conducted approximately sixty such audits. I specifically recall auditing the contract compliance of, among many other companies, defendant Abbott Laboratories.

8. In 2003, I left my position at Deloitte & Touche to become a Vice-President and Executive Director at SBC Knowledge Ventures, an intellectual property holding company. In 2004, I left SBC Knowledge Ventures to co-found StoneTurn. Since co-founding StoneTurn, I have conducted another twelve or more contractual compliance audits.

9. Throughout my career I have had considerable experience conducting contractual compliance audits. Based on that experience, it is my belief that there are certain well-accepted prerequisites to the successful undertaking and completion of such audits. Among them are the following:

- a. The auditor should, and usually does, identify the specific documents or types of documents that the auditor wishes to collect from the contracting (*i.e.*, audited) party and examine;
- b. The auditor and the contracting party should, and usually do, discuss, as soon as practicable and on a regular basis thereafter, the availability of documents responsive to the auditor's request;
- c. The contracting party should, and usually does, produce the requested documents in a timely fashion and, going forward, comply with reasonable requests by the auditor to make copies thereof;
- d. The contracting party should, and usually does, make available to the auditor either an index to the produced documents or personnel who possess the same information;
- e. The contracting party should, and usually does, respond to questions by the auditor regarding the substance and the source of the produced documents;
- f. If necessary, the auditor should, and usually does, interview employees and/or custodians of the contracting party regarding the substance and the source of the produced documents, as well as other relevant issues; and
- g. If necessary, the auditor should, and usually does, conduct follow-up interviews and/or request additional documents regarding contractual compliance.

10. My prior audit of Abbott while working at Deloitte & Touche met each of these prerequisites to a successful contractual compliance audit and was completed, from start to finish, in approximately two months.

*My Engagement to Audit Abbott's Compliance with the Agreement*

11. In early April 2004, StoneTurn was retained to conduct the contractual compliance audit at issue in this case. StoneTurn's assignment was to inspect and audit the books and records of Abbott related to Abbott's compliance with the Agreement. I served as the primary auditor on this project.

12. It was my understanding at the time that the purpose of John Hancock's audit was to examine and assess Abbott's fulfillment of its obligations under the Agreement and its conduct in developing the Program Compounds (*i.e.*, ABT-100, ABT-492, ABT-510, ABT-518, ABT-594, ABT-627, ABT-724, ABT-751, and ABT-773), including but not limited to Abbott's investment therein and/or termination and out-licensing thereof, as well as to determine the status of each Program Compound as of March 13, 2001. In particular, I recall that one of the primary goals of the audit was to assess the accuracy and completeness of Abbott's initial and subsequent "Annual Research Plans," which purported to disclose Abbott's intended and reasonably expected spending on each of the Program Compounds. I also understood that the assessment of Abbott's contractual compliance would be based on StoneTurn's review of Abbott's books and records and, if necessary, interviews of knowledgeable Abbott personnel regarding the same.

13. In April 2004, I provided to John Hancock's counsel a list of documents and categories of documents in Abbott's possession that I believed I would need to review during the proposed Abbott audit. Having access to such documents was essential for me and others at StoneTurn to successfully undertake and complete the contractual compliance audit. These documents ultimately were compiled into a document titled "Schedule A," which subsequently



was sent by John Hancock's counsel to Abbott's counsel. A true and accurate copy of Schedule A is attached hereto as PLs' NO.

14. I, along with my StoneTurn staff, spent the next few weeks preparing for the commencement of the Abbott audit, which was scheduled to start on May 12, 2004. We studied the Agreement, as well as Abbott's Annual Research Plans.

15. The contractual compliance audit did not actually commence on May 12, 2004, due to various objections by Abbott. On June 7, 2004, I participated in a conference call with counsel for Abbott and for John Hancock during which StoneTurn's qualifications as an auditor of the Agreement were discussed. During the course of that call, Abbott challenged my qualifications and the qualifications of StoneTurn to conduct the planned contractual compliance audit.

16. The audit eventually began on June 30, 2004 after Abbott withdrew its objections to StoneTurn's involvement.

*My Initial Efforts To Conduct The Audit In June And July Of 2004*

17. During June and July of 2004, my staff and I visited Abbott to examine its books and records on approximately seven occasions: on June 30, July 1 and July 7-9 (the "First Visit"), and on July 19-20, 2004 (the "Second Visit"). As set forth below, StoneTurn was unable to successfully undertake the contractual compliance audit on these dates because Abbott refused to produce usable documents for our analysis.

18. Upon my arrival on June 30, 2007, I was met by Michelle Campbell, an in-house paralegal at Abbott. Ms. Campbell directed my attention to approximately 450 boxes of documents. I specifically recall that I provided Ms. Campbell with a copy of Schedule A at that time, and that I asked her to identify which of the 450 boxes were responsive to which categories

on the schedule. Ms. Campbell indicated that she did not know the answer, but promised to forward my inquiry to a more senior, unidentified Abbott employee.

19. Shortly after arriving on June 30th, I created a log of my communications with Ms. Campbell. The purpose of this log was to summarize briefly each of my substantive contacts with Abbott's personnel regarding the contractual compliance audit. A true and accurate copy of this log, as of its last entry in March 2005, is attached hereto as PLs' PS.

20. During the First Visit, the StoneTurn team proceeded to review the contents of each of the 450 boxes made available by Abbott for the audit. I instructed my staff to describe these materials in an Excel spreadsheet. The purpose of this document, which has been referred to in this litigation as the "StoneTurn Index," was to summarize, in general terms, the content and location of the various boxes produced by Abbott during the audit. A true and accurate copy of the StoneTurn Index, as of its last entry in March 2005, is attached hereto as PLs' PP.

21. Nearly all of the 450 boxes made available during the First Visit contained low-level, source data that was, in most instances, not useful to me and my staff without the benefit of summary-level documents and/or input from Abbott personnel. This was particularly true for financial documents. For example, Abbott provided reams of individual payroll records. While technically responsive to Schedule A's request for "[u]nderlying supporting records (*e.g.*, timesheets, payroll records, purchase orders, invoices, *etc.*) for all expenditures made related to each Program Compound," such materials were worthless to StoneTurn without the "[e]xpenditure/cost summaries and/or reports" and "Abbott's chart of accounts as relevant to account" which we also had requested, but which were not produced by Abbott. Without such summary-level documents, StoneTurn was unable to assess the completeness or accuracy Abbott's Annual Research Plans, one of the primary goals of the audit.

22. Notwithstanding that the bulk of Abbott's production was unusable, during the First Visit, and at all future visits to Abbott, StoneTurn flagged selected documents for photocopying by Abbott that were responsive to Schedule A and appeared potentially helpful to our audit analysis. For example, I recall requesting copies of a binder titled the "Project Odin," which contained documents regarding the out-licensing of ABT-773. I also recall requesting a copy of a market study titled "Getting The Measure Of The Market" that was related to ABT-773.

23. During the First Visit, I had at least three face to face conversations with Ms. Campbell regarding my concerns that the majority of the documents identified in Schedule A had not been made available to StoneTurn, and that those which had been made available were low-level, source data that had not been organized according to the categories listed in Schedule A. During each of those conversations I asked Ms. Campbell, among other things: (a) when Abbott's audit production would be complete; (b) when Abbott would produce the summary-level documents that had been requested; and (c) which categories of Schedule A had been satisfied? I also asked Ms. Campbell to provide a date certain by which StoneTurn would receive copies of the documents that it already had designated for copying by Abbott (including, for example, the "Project Odin" binder and the "Getting The Measure Of The Market" study, discussed above). In response to each of my inquiries above, Ms. Campbell indicated that she did not know the answers to my questions, but promised to forward them to a more senior, unidentified Abbott employee.

24. During the First Visit, I also requested that Ms. Campbell (and Abbott) maintain the organization of the documents made available during the audit. I specifically recall

informing Ms. Campbell that the entire purpose of the StoneTurn Index would be undermined if the location and/or contents of any box of documents were to change.

25. Following StoneTurn's First Visit, I called Ms. Campbell on July 13 and July 16, 2004 and repeated my request for information regarding the anticipated completion date for Abbott's production of documents. In response, Ms. Campbell indicated that she did not know the answer to my questions, but promised to look into the issue.

26. On July 19-20, 2004, I, along with my StoneTurn staff, returned to Abbott for the Second Visit. Ms. Campbell directed our attention to approximately 300 additional boxes of documents. Once again, nearly all of the documents made available by Abbott contained low-level, source data that was, in most instances, unusable by me and my staff without the benefit of summary-level documents and/or assistance from Abbott personnel with knowledge of their contents.

27. During the Second Visit, I repeated my concerns to Ms. Campbell about the substance of Abbott's audit production and reiterated StoneTurn's request for information regarding when Abbott's audit production would be complete. In response, Ms. Campbell indicated that she did not know the answers to my questions, but promised to forward them to a more senior, unidentified Abbott employee. I also reiterated, during our Second Visit, my request that Abbott maintain the organization of the documents made available during the audit.

28. Following the Second Visit, on July 30, 2004, I attempted to contact Ms. Campbell by telephone seeking answers to my prior, still unanswered questions regarding: (a) when Abbott's audit production would be complete; (b) when Abbott would produce the summary-level documents that had been requested; (c) which categories of Schedule A had been satisfied; and (d) when StoneTurn would receive copies of the documents that it already had

designated for copying. I left Ms. Campbell a voicemail on that date with my various questions. Ms. Campbell never returned my telephone call.

*Abbott Thwarts StoneTurn's Efforts in August of 2004  
to Audit Abbott's Compliance with the Agreement*

29. By August of 2004, I had multiple concerns about Abbott's commitment to the audit. First, the bulk of the documents produced by Abbott were not usable in StoneTurn's analysis. As noted above, Abbott had produced low-level, source data pertaining to the Program Compounds, rather than the summary-level documents that I repeatedly had requested. Second, Abbott had yet to answer even one of my questions regarding the timing and substance of its audit production. Third, Abbott still had not provided me with copies of the documents I had designated for copying almost two months earlier (including, for example, the "Project Odin" binder and the "Getting The Measure Of The Market" study, discussed above).

30. Abbott's conduct during the month of August did little to quell my concerns. For example, I asked Ms. Campbell on no less than seven occasions (i.e., August 4, 6, 18, 23, 26, 30 and 31, 2004) to arrange a time and place for StoneTurn to review the next installment of Abbott's audit production. Ms. Campbell failed to do so until the end of August, when she finally confirmed a third visit for September 3, 2004.

31. Moreover, by the end of August 2004, Abbott still had not responded to my numerous inquiries regarding: (a) when Abbott's audit production would be complete; (b) when Abbott would produce the summary-level documents that had been requested; (c) which categories of Schedule A had been satisfied; and (d) when StoneTurn would receive copies of the documents that it already had designated for copying. This was so even though I repeatedly reminded Ms. Campbell of these outstanding inquiries.

32. I also was concerned about Ms. Campbell's unawareness of John Hancock's efforts to prioritize the audit production for Abbott during this time period. Specifically, on July 28, 2004, John Hancock's counsel, based upon my input, sent a letter to Abbott's counsel communicating StoneTurn's concerns regarding the audit. I received a courtesy copy of that letter at or around the time that it was sent. A true and accurate copy of the letter is attached hereto as PLs' NS. The letter provided Abbott with a requested order of priority for future production of audit documents. In late August, however, Ms. Campbell informed me that she never had received the letter and was unaware of its contents. A true and accurate copy of this communication from Ms. Campbell is attached hereto as PLs' NW. *See* E-mail from Michelle Campbell dated August 31, 2004 at 4:00 PM.

*Abbott Stalls StoneTurn's Audit During the Fall of 2004*

33. Abbott was similarly unresponsive and uncommitted to the contractual compliance audit over the next three months. For example, in November 2004, Abbott still had not responded to my repeated inquires regarding: (a) when Abbott's audit production would be complete; (b) when Abbott would produce the summary-level documents that had been requested; (c) which categories of Schedule A had been satisfied; and (d) when StoneTurn would receive copies of the documents that it already had designated for copying. *See* PLs' PS, attached hereto, at Entry dated November 2, 2004. None of the documents that StoneTurn had designated for copying by Abbott the prior summer actually had been copied and delivered to StoneTurn, including, but not limited to, the "Project Odin" binder and the "Getting The Measure Of The Market" study, discussed above.

34. As for the audit process itself, Abbott produced only 10 additional boxes of documents from August to November of 2004. *See id.* at Entries dated September 3 and

November 2, 2004. Like the prior productions, nearly all of these documents contained low-level, source data regarding the Program Compounds rather than the summary-level documents that repeatedly had been requested.

*Our Meeting with Abbott and Its Counsel on December 14, 2004*

35. Abbott eventually agreed to meet with representatives of John Hancock and StoneTurn on December 14, 2004 to discuss the audit. In anticipation of this meeting, I reviewed a document titled "Documents Requested to be Produced by Abbott for Audit Purposes in December 2004." It was my understanding that this was circulated by John Hancock's counsel to Abbott's counsel and reflected Hancock's prioritized list (from Schedule A) of requested documents in the audit. A true and accurate copy of that document is attached hereto as PLs' RW (*see* Exhibit B thereto).

36. After arriving at Abbott's Mundelein, Illinois facility on December 14, 2004, I had a long discussion with counsel for both parties and Ms. Campbell regarding StoneTurn's numerous unanswered requests for information and documents. First, we discussed StoneTurn's concern that Abbott still had not made available the most useful documents for the audit analysis, such as summary-level documents. The discussion focused on Schedule A in general and, more specifically, the prioritized list of documents discussed above. I specifically recall that Abbott's counsel agreed that Abbott would produce all documents responsive to Schedule A on or before January 31, 2005.

37. Second, we discussed Abbott's failure to provide copies of the documents StoneTurn had requested for copying almost six months earlier during the First Visit in June and July of 2004. During this discussion, I provided Abbott's counsel and Ms. Campbell with a list of these documents, which included the "Project Odin" binder and the "Getting The Measure Of The Market" study, discussed above, and requested, yet again, their production as soon as



possible. In response, Abbott's counsel assured me that copies of these documents would be sent to StoneTurn in short order.

38. Third, we discussed Abbott's control over documents previously made available during the audit. Specifically, in the course of our meeting, I noticed that numerous boxes of audit documents appeared to be missing or out of place. I confirmed this fact by consulting the StoneTurn Index and raised the issue with Abbott's counsel and Ms. Campbell, reminding Ms. Campbell of my prior requests that the location and/or contents of the audit boxes remain unaltered. Ms. Campbell was unable to explain why my requests in this regard had not been honored.

*Abbott Ignores the January 31, 2005 Production Deadline*

39. Abbott did not meet the January 31, 2005 deadline to produce all documents responsive to John Hancock's audit notice. Instead, Abbott made only 17 additional boxes of documents available for review on January 20 and 31, 2005 and February 1, 2005, then informed StoneTurn that more documents would be forthcoming at a later, unspecified date. Abbott made no other documents available for review by StoneTurn during the entire month of February 2005.

40. When asked for information regarding the whereabouts or content of the additional documents, Abbott's representatives (not Ms. Campbell) responded that they did not know the answer to my questions, but would forward my inquiries to a more senior, unidentified Abbott employee.

41. For example, I specifically asked during my visits on January 20 and 31, 2005, whether StoneTurn could conduct interviews of Abbott employees in order to clarify the content and meaning of certain documents and terms. I also asked follow-up questions regarding certain documents, including questions about authorship and whether similar documents exist, and

whether Abbott would meet the January 31, 2005 production deadline. Additionally, I asked when Abbott would make available e-mail communications that were responsive to the categories on Schedule A. No responsive e-mails had been produced by Abbott as of that point in time.

42. I received little or no guidance in response to my inquiries above.

43. Of the documents that Abbott did make available during the month of January 2005, many were so heavily redacted by Abbott as to render them meaningless for my analysis. For example, I specifically recall reviewing a document titled "GPRD Quality Assurance Monthly Highlights, December 2003," a true and accurate copy of which is attached hereto as PLs' OL. Abbott elected to redact every line of text from this document and, thus, deny me any opportunity to assess its relevance to the audit analysis. I recall explaining my concern regarding the redacted documents to Ms. Campbell on numerous occasions. Neither Ms. Campbell, nor anyone else at Abbott, ever responded to my concerns.

44. With respect to documents made available during January 2005 that were not as heavily-redacted, I recall that many of the documents, while technically responsive to Schedule A, were insufficient for me to successfully undertake and complete the audit. For example, Abbott still had not produced adequate summary-level materials regarding its "[e]xpenditure/cost summaries and/or reports" or its "chart of accounts as relevant to account," as requested in Schedule A. Without these documents, I could not assess the completeness or accuracy of Abbott's Annual Research Plans, one of the primary goals of the audit.

45. As for the documents StoneTurn requested copies of back in June and July of 2004 (*e.g.*, the "Project Odin" binder and the "Getting The Measure Of The Market"), Abbott still had not delivered them. As a result, on January 20, 2005, I wrote Ms. Campbell and

reminded her of Abbott's commitment in December 2004 to produce these documents. A true and accurate copy of that correspondence is attached hereto as PLs' OI. Some, but not all, of the documents that I and others at StoneTurn had designated for copying the prior summer finally arrived at the end of January 2005, nearly seven months after they were first requested. However, others, like the "Getting The Measure Of The Market" study regarding the marketplace for ABT-773, never arrived.

46. I also recall that, based on the long delays StoneTurn had encountered in obtaining copies of documents it had requested for copying, I proposed to Ms. Campbell that StoneTurn bring a copy machine to the January 31, 2005 visit (and thereafter). This proposal subsequently was rejected by Abbott's counsel. As a result, StoneTurn was not able to expedite the photocopying of documents flagged by StoneTurn for analysis.

*Abbott Unilaterally Announces that the Audit Is Complete in March 2005*

47. On March 7 and 8, 2005, my staff and I returned to Abbott to review approximately 15 additional boxes of audit documents Abbott recently had produced. As I recall, my staff reviewed an additional two boxes of documents on March 9, 2007, after I departed for another scheduled assignment.

48. I specifically recall StoneTurn's review one particular box of documents made available during the March 7-9th visit: "Box #17." It was my understanding at the time that this box appeared to contain documents that were responsive to Schedule A, and that repeatedly had been requested by StoneTurn throughout the audit. For example, Box #17 contained certain documents that detailed, in summary fashion, Abbott's expenditures on the Program Compounds. Others provided analysis regarding John Hancock's investment under the Agreement from a revenue recognition perspective. StoneTurn representatives flagged all of the documents in Box #17 for photocopying by Abbott.

49. I also recall that my staff and I asked Abbott personnel many of the same questions we had asked on our prior visits: (a) whether StoneTurn could conduct interviews of Abbott employees in order to clarify the content and authorship of certain documents and terms; (b) when Abbott would produce all remaining documents responsive to Schedule A (including, but not limited to, e-mails); and (c) whether Ms. Campbell, or someone else at Abbott, could identify which audit documents were responsive to which categories on Schedule A. No one from Abbott answered any of these questions during our March 2005 visit.

50. On or about March 10, 2005, I asked Mark Hair, a colleague of mine at StoneTurn, to follow-up by e-mail correspondence with Ms. Campbell regarding many of StoneTurn's outstanding questions. My logic for this request was that StoneTurn had received no responses whatsoever to these oral inquiries in the past and, therefore, might be more successful if it made its requests in writing. In particular, I was hoping that Ms. Campbell would confirm a future production by Abbott of responsive e-mails. In addition, I hoped that Ms. Campbell would provide us with long-sought-after information regarding the connection between the audit documents produced to date and Schedule A, and the actual location of those documents.

51. Mark Hair, at my direction, e-mailed Ms. Campbell regarding the above issues on March 10, 2005. I was copied on that correspondence, a true and accurate copy of which is attached hereto as Ex. 48.

52. On or about March 22, 2005, I reviewed Ms. Campbell's response to the March 10, 2005 e-mail from Mark Hair, a true and accurate copy of which is attached hereto as Ex. 49. Ms. Campbell did not address StoneTurn's request for e-mails responsive to Schedule A. Nor did she respond to StoneTurn's request for information regarding how the categories listed in

Schedule A had been satisfied by the audit documents produced to date or where those documents were being held at that time. Instead, Ms. Campbell announced in the e-mail that Abbott had fulfilled its audit obligations under the Agreement and, therefore, would not be making any additional documents available for inspection by StoneTurn.

53. I did not agree with Ms. Campbell's pronouncement. Among many other failures by Abbott to provide useable, responsive documents and to cooperate with our efforts to conduct the audit, at the time of Ms. Campbell's e-mail, Abbott still had not provided StoneTurn with a copy of all of the documents contained in Box #17 during the course of the contractual compliance audit.

54. Days later, on March 25, 2005, Ms. Campbell e-mailed Mark Hair and me to inform us that the Box #17 materials were "being investigated as being either non-responsive to the audit request or privileged." A true and accurate copy of that e-mail is attached hereto as PLs' OT. Abbott never delivered a complete copy of Box #17 to StoneTurn.

55. I am aware that, shortly thereafter, John Hancock's counsel made a written request that Abbott provide a privilege log to StoneTurn and/or Hancock setting forth the basis for Abbott's belated assertion of privilege with respect to the missing contents of Box #17. I also am aware that this request was denied by Abbott. To my knowledge, Abbott never provided the requested privilege log to StoneTurn or John Hancock.

56. I have reviewed various documents produced by Abbott in this action and confirmed that many of the documents that StoneTurn specifically requested, but Abbott failed to provide, during StoneTurn's attempted contractual compliance audit in 2004-2005 ultimately were produced years later during discovery in this action. Examples of a few such documents are attached as PLs' BO (acknowledging the "518 debacle" and its "potential deathnell to the

deal”); PLs’ DT (noting ABT-594’s “commercial viability questionable” in November 2000); PLs’ PJ (directing a “stop [of] all developmental activities immediately” for ABT-518 just prior to the execution of the RFA); and PLs’ RX (dropping Abbott’s actual planned spending on ABT-594 to \$9.3 million).

57. As a direct result of Abbott’s obstruction and non-cooperation, StoneTurn was not able to complete its contractual compliance audit of Abbott in 2004-2005.

*Authentication of Exhibits as Business Records of StoneTurn*

The documents attached hereto as PLs’ PS, PLs’ PP, PLs’ SH, PLs’ NQ, and PLs’ SC are true and accurate copies of records from the files of StoneTurn that were made at or near the time of the matter recorded therein by me or by other people at StoneTurn having knowledge of the facts recorded, and that were made and are kept in the normal course of StoneTurn’s regularly conducted business activities consistent with StoneTurn’s regular business practices.

Signed under the pains and penalties of perjury this 28<sup>th</sup> day of January, 2008.

/s/ Christopher A. Martinez  
Christopher A. Martinez

**CERTIFICATE OF SERVICE**

I hereby certify that this document is being filed with the Court through the ECF system and that a copy will be sent electronically to counsel for defendant through the ECF system on January 28, 2008.

/s/ Richard C. Abati  
Richard C. Abati (BBO No. 651037)



**PLs' NO**

John Hancock Financial Services, Inc.

Bond and Corporate Finance Group

John Hancock Place  
Post Office Box 111  
Boston, Massachusetts 02117  
(617) 572-9624  
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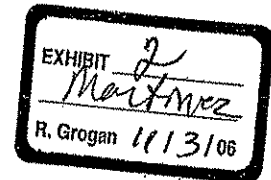
Stephen J. Blewitt  
Senior Managing Director



April 12, 2004

BY FAX (847) 937-6683  
CONFIRMATION COPY BY U.S. FIRST CLASS MAIL

Mr. James L. Tyree  
Vice President, Global Licensing & New Business Development  
Abbott Laboratories  
200 Abbott Park Road  
Abbott Park, IL 60064-6189



Re: Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Investors Partner Life Insurance Company, dated as of March 13, 2001

Dear Jim:

Pursuant to § 2.5 of the Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company, dated as of March 13, 2001 (the "Agreement"), John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company (collectively, "John Hancock") hereby give notice of the exercise of their right to inspect and audit all books and records of Abbott and of any Subcontractor<sup>1</sup> of Abbott with respect to the following matters:

1. All Program Related Costs expended by Abbott during each Program Year;
2. Compliance by Abbott with its obligations, under § 2.2 of the Agreement, to prepare and provide John Hancock with an Annual Research Plan, and to conduct the Research Program during each Program Year in accordance with the Annual Research Plan for such Program Year;
3. Compliance by Abbott with its obligation, under § 2.3 of the Agreement, to use Commercially Reasonable Efforts to conduct the Research Program in accordance with the requirements of § 2.3 of the Agreement;
4. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to substitute Program Compounds in accordance with the requirements of § 4.3 of the Agreement;

<sup>1</sup> Unless otherwise specified herein, capitalized terms used in this letter and in the attached Schedule A shall have the same definitions as those set forth in the Agreement.

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5. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to out-license or divest Ceased Compounds to third parties in accordance with the requirements of § 4.3 of the Agreement;
6. The stage of development and status of each Program Compound as of March 13, 2001; and
7. The current stage of development and status of each Program Compound.

Attached hereto as Schedule A is a preliminary list of those categories of books and records that John Hancock reasonably expects will be made available for its inspection and audit of these matters. The list is provided solely to assist Abbott in complying with this notice, and not by way of limitation. John Hancock requests that all books and records of Abbott and its Subcontractors pertaining to the above-identified matters be made available for its inspection and audit, regardless whether such books and records are described on Schedule A.

John Hancock's inspection and audit of the books and records of Abbott, as set forth herein, shall be conducted by Christopher Martinez, Brian Napper and other employees of the StoneTurn Group, LLP, a firm of independent auditors retained by John Hancock. The audit shall take place during normal business hours commencing on May 12, 2004, and continuing from day to day thereafter until completion, subject to adjournment as may be necessary to accommodate scheduling exigencies. In accordance with § 2.5 of the Agreement, John Hancock reserves its right to designate for copying, at its initial expense (but subject to reimbursement by Abbott in accordance with § 2.5 of the Agreement), any or all of the books and records of Abbott that are subject to its inspection and audit.

Please inform me before the close of business on May 5, 2004 of the specific location at which Abbott will make its books and records available for inspection and audit pursuant to this notice. Please also provide me with the name of the person who the StoneTurn Group's representatives should contact upon their arrival to begin their inspection and audit.

Thank you for your anticipated cooperation.

Very truly yours,

  
Stephen J. Blewitt

Attachment

cc: General Counsel (by fax, 847-938-6277; confirmation copy by mail)  
Lawrence R. Desideri, Esq.  
Peter E. Gelhaar, Esq.  
Brian A. Davis, Esq.  
Michael Arthur Walsh, Esq.

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### Schedule A

1. All records and documents indicating expenditures made by Abbott related to any compound that is now or ever was a Program Compound, including the following:
  - a. Abbott's standard policies and procedures related to accounting for project/program related expenditures;
  - b. Abbott's chart of accounts as relevant to accounting for project/program related expenditures;
  - c. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (e.g., direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, etc.);
  - d. Accounting framework for compiling the expenditures presented (i.e., whether cost assembled on an accrual or cash basis of accounting);
  - e. Identification of whether expenditures presented were capitalized or expensed under General Accepted Accounting Procedures ("GAAP") definitions;
  - f. Summary of the timing of expenditures for each Program Compound within each year presented;
  - g. Contracts or other governing documents and information related to all Research Program activities performed by Subcontractors;
  - h. Reconciliations of annual expenditures by Program Compound to the audited financial statements of Abbott;
  - i. Calculations, algorithms, and basis for all allocations included in the total expenditures by Program Compound by year;
  - j. Abbott standard policies and procedures related to allocation of indirect costs;
  - k. Expenditure/Costs summaries and/or reports prepared in the normal course of managing the development of each Program Compound; and
  - l. Underlying supporting records (e.g., timesheets, payroll records, purchase orders, invoices, etc.) for all expenditures made related to each Program Compound.
2. All records and documents discussing or evidencing the implementation and conduct of the Research Program, including but not limited to:
  - a. Reports/Updates/Summaries prepared by Abbott in the normal course of managing the development of the Program Compounds;
  - b. Listing of all reports/updates/summaries typically prepared by Abbott during the normal course of developing an experimental pharmaceutical compound;
  - c. Minutes/Summaries/Notes from all management meetings in which any of the Program Compounds were reviewed or approved for further development funding;
  - d. Analysis and documentation supporting all forward looking projections of expenditures to be incurred for each Program Compound by year;

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- e. Abbott policies and guidance as to the appropriate and/or required methods/approaches/procedures for conducting a research program for an experimental pharmaceutical compound;
  - f. Abbott's internal approval framework for determining whether or not to continue to fund and develop an experimental pharmaceutical compound, including all relevant thresholds for approval along the compound development process; and
  - g. Minutes/Summaries/Notes from all Abbott meetings regarding continued funding of product development for any Program Compounds.
3. All records and documents concerning Abbott's obligations under § 4.3 of the Agreement, including but not limited to:
- a. Records identifying any and all Replacement Compounds;
  - b. Records identifying any and all Failed Early Stage Program Compounds;
  - c. Records identifying any and all Ceased Compounds;
  - d. All documents pertaining to Abbott's consideration or selection of any compound to replace any Failed Early Stage Program Compound;
  - e. Records identifying any and all compounds that Abbott held out as or considered to be "back up" compounds for the compounds that constituted the Program Compounds (i) on the effective date of the Agreement, and (ii) as of the end of each calendar year 2001 through 2003; and
  - f. All documents pertaining to the actual or attempted out-licensing or divestiture of any Ceased Compound.
4. All records and documents concerning the status of each Program Compound as of March 13, 2001 and currently, including but not limited to:
- a. Reports/Summaries/Meeting Minutes which indicate the stage of development of each compound that originally constituted a Program Compound during the first calendar quarter of 2001;
  - b. Records describing the various stages into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - c. Records indicating when each Program Compound reached each stage of pre-clinical or clinical development into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - d. Reports/Summaries/Meeting Minutes which evidence the current status of each Program Compound; and
  - e. Management Reports and/or other documents prepared in the normal course of business which indicate future prospects and development expectations for each Program Compound.

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**PLs' PS**

**John Hancock contract compliance inspection of Abbott Records related to the March 13, 2001 Research Funding Agreement**

**6/30/04**

Arrived at the Mundelein, IL warehouse facility where Michelle Campbell ("MC"), paralegal for Abbott's litigation department met the StoneTurn team. (Team consisted of B. Napper, C. Martinez, C. Fern, and C. Sandman)

At the warehouse there were 14 pallets of boxes which were available for review, totaling approximately 450 boxes. MC indicated that we could have access through 5pm on most days, but the warehouse staff could stay no later than 5 pm.

Provided to MC a copy of Schedule A to the April 12, 2004 audit notice from John Hancock to Abbott. Asked MC about the nature of the documents on the 14 pallets and which documents were responsive to the categories identified on Schedule A. MC stated that she would forward this and all future questions back up to Abbott and let us know the answers as she received them. She indicated that she did not know the answer to this particular query.

MC indicated that the 14 pallets of documents only represented a portion of the documents StoneTurn would have access to and that other documents were being gathered and copied.

StoneTurn Team proceeded to begin indexing the documents on the 14 pallets.

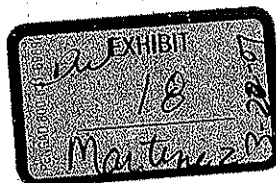
**7/1/04**

StoneTurn team continued indexing documents on the 14 pallets.

During the day, MC indicated that she would need to be away from the warehouse Friday morning 7/2/04 until about 1pm, and that StoneTurn could only have access to the warehouse from at earliest 1 pm through 5 pm.

MC also indicated that she would be taking a vacation day on Tuesday 7/6/04 (7/5/04 being a holiday), and that StoneTurn could again have access to the warehouse and documents on Wednesday 7/7/04.

Based on the availability of the warehouse/documents, StoneTurn decided to return to the warehouse on Wednesday 7/7/04.



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7/7/04

StoneTurn (C. Martinez and C. Sandman) returned to the Abbott warehouse in Mundelein to continue indexing the documents on the 14 pallets.

In the afternoon a new pallet of boxes was delivered by the 3<sup>rd</sup> party copy service 24Seven. This new pallet, consisted of 37 boxes and brings the total pallet count to 15.

7/8/04

StoneTurn again discussed with MC Abbott's expectation as to the quantity and timing of additional information to be provided related to the StoneTurn contract compliance inspection on behalf of John Hancock. Again, MC said she would pass along the request to Abbott and that there were multiple groups within Abbott assembling documents that would ultimately be produced and that copies were being made of other groups of documents to be produced.

Specifically StoneTurn requested answers to the following questions:

1. When would all the documents responsive to John Hancock's request per Schedule A to the April 12, 2004 correspondence be produced?
2. Is Abbott going to produce high and mid level summaries of the information contained in the boxes of documents already produced as were requested in Schedule A? (StoneTurn explained to MC that most of the documents we have reviewed to date were very detailed in nature and not conducive to gaining an overall understanding of Abbott's compliance with the Research Funding Agreement.)
3. Which categories of the Schedule A requests had already been met by the documents produced to date?
4. When would StoneTurn receive the documents it had to date submitted for copying?

MC indicated that she would pass along the questions to Ken? At Abbott and would forward along answers as she received them.

StoneTurn also requested that MC provide to StoneTurn via email a status as to answers to the above queries and information on new boxes/pallets delivered to the Mundelein warehouse.

In the afternoon a new pallet of 9 boxes of documents was produced, bring the total number of pallets to 16.

7/9/04

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StoneTurn continued indexing the documents contained on the 16 pallets of documents produced.

StoneTurn reiterated its request to be contacted by MC or other Abbott representative as to the answers to the questions posed on 7/8/04 and as to the number of boxes/pallets delivered to the Mundelein warehouse for review.

**7/13/04 (Tuesday)**

StoneTurn called MC to determine the quantity of new boxes available for review on the following day (7/14/04). MC indicated that there were no new boxes available for review and that it would be her preference that StoneTurn return on Monday 7/19/04 to continue the document review.

StoneTurn again reiterated the question as to when all the documents responsive to John Hancock's request would be available. MC did not have the answer to the question but indicated she'd look into it again.

**7/16/04 (Friday)**

StoneTurn contacted MC of Abbott to determine the quantity of boxes available for review on Monday 7/19/04. MC indicated that there were approximately 200 boxes available for review at a new facility (1150 Northpoint Blvd. bldg. J28).

StoneTurn again reiterated the question as to when all the documents responsive to John Hancock's request would be available. MC did not have the answer to the question but indicated she'd look into it again.

**7/19/04 (Monday)**

StoneTurn arrived at the 1150 Northpoint Blvd. facility and found seven pallets of boxes available for review (approximately 300 boxes). Stone proceeded to review these documents.

**7/20/04 (Tuesday)**

StoneTurn completed its review of the documents located at Abbott's 1150 Northpoint Blvd. facility by mid-day. (Certain of the boxes reviewed at the Northpoint facility contained information related to compounds other than those related to the Abbott/John Hancock Research Agreement.) Additional documents were made available at the 2323 Green Bay St. facility. Upon arriving at the Green Bay Street facility approximately 100 boxes were made available for review.

Again StoneTurn inquired as to the timing when all the documents responsive to John Hancock's request would be available. MC indicated that she continues to inquire as to this question within Abbott but there is not answer forthcoming.

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MC indicated that documents continue to be collected that are responsive to John Hancock's request, but it is a time consuming process and the documents most readily available have thus far been produced for review.

**7/30/04**

StoneTurn placed call (left message) to MC to inquire as to the nature and quantity of documents available for review. Additionally, ST inquired as to the status of the answers to question previously posed on 6/30 and indicated above in the entry on 7/8. No return call or email as of 8/3/04 pm.

**8/4/04**

Phone message left for MC regarding status of documents available for review. No reply as of 8/9/04.

**8/6/04**

Phone message left for MC regarding status of documents available for review. No reply as of 8/9/04.

**8/11/04**

MC responded by email that there were 4 boxes available for review, and that she would contact me the following Monday (8/16) with another update.

**8/18/04**

As no email/voice message was received from MC as of 8/18, StoneTurn sent an email to MC to request status of documents available for review, including request as to when all the documents requested would be made available. As of 8/23 am no response received.

**8/23/04**

AM...sent email message to MC to request status of documents available for review.

**8/26/04 (Thursday)**

PM sent another email request to MC asking for status of documents available review. As of PM, no response back from MC related to my 8/18 or 8/23 inquiries.

At 3:06 pm MC responded by email that 6 boxes of documents were now available for review. I responded with a question as to the nature of the documents in those 6 boxes. No response received as of 8/30/04 12:30pm CDT.

**8/30/04 (Monday)**

Via email, reiterated to MC my request as to what types of documents are now available for review as well as when the documents requested in Choate's 7/28/04 correspondence will be made available. I also informed MC that StoneTurn wishes to visit Abbott this week to review available documents. ST also reiterated the original questions asked on 6/30 and spelled out above in the entry for 7/8.

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**8/31/04 (Tuesday)**

Reiterated the requests to MC made on 8/30, also requesting access to documents on Wednesday 9/1. At 1:52 PDT also left MC a voice message regarding the desire to review the 6 boxes of documents Wednesday (9/1).

At 2pm PDT MC responded by email that StoneTurn could conduct its review on Thursday or Friday of this week. StoneTurn confirmed with MC that Friday (9/3) is workable for our review of the 6 boxes.

**9/3/04**

NZ of StoneTurn reviewed approximately 8 boxes of documents at Abbott's Mundelein facility.

**9/14/04**

Emailed MC to inquire as to the status of documents available for review and timing of when all the Abbott documents would be made available. No response as of 9/27/04.

**9/27/04**

Reiterated request of 9/14/04 to MC. Also asked MC to check on the status of the documents StoneTurn requested copies of, as no copies have yet been received.

**11/2/04**

Shelly Irvine of StoneTurn reviewed five boxes of documents at the Mundelein facility. Approximately 2 boxes of documents were requested to be copied.

CM of ST emailed MC and left phone message to inquire about availability of copies and reiterate request regarding when all documents would be available, when summaries would be made available, and Abbotts perspective on which of the Schedule A request they had already been responsive to.

**12/17/04**

Brian Davis of Choate Hall (representing John Hancock) and I visited the Mundelein, IL Abbott warehouse for a meeting with Michelle Campbell (Abbott paralegal) and Stephen V. D'Amore (Winston & Strawn, representing Abbott).

At this meeting I provided to Michelle and Stephen with a) a list of documents previously reviewed and tagged for copying, but which no copies yet received (see below), and b) request for electronic copies of certain documents/spreadsheets produced in hard copy (e.g. "John Hancock Payments Report Payments 2001 to YTD 2004" and "PAYMENTS\_DETAIL\_SUMMARY").

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**Document Copies Requested By StoneTurn and Not Yet Received**

<u>Pallet</u>	<u>Box</u>	<u>Compound</u>	<u>File name</u>
Pallet 9	590-1	ABT-773	Project Odin (Elitra ABT-773)
Pallet 4	166- 71	ABT-773	Getting the Measure of the Market
Pallet 4	166- 71	ABT-773	Integrated Knowledge Bank
Pallet 4	166- 71	ABT-773	Trimester Forum, Agency Meeting Update
Pallet 4	166- 71	ABT-773	Phase III Comparators: Anti-Infective Venture
Pallet 4	166- 71	ABT-773	Bulk Drug: Starting Materials, includes info on ABT-980 copying Proposed 773 Strategies
Pallet 4	166- 73	ABT-594	A-165594 Annual IND Report 2000
Pallet 4	166- 73	ABT-594	A-165594 Annual IND Report 2001

During this meeting we discussed the outstanding items from John Hancock's original request for documents (see notes from meeting for specific identification of categories of documents addresses). See also prepared document which identifies items to address in 12/17 meeting. (MS Word file: "John Hancock Audit 12\_17\_04 Meeting Issues")

**1/12/05**

Left voice message for Michelle Campbell inquiring about availability for review of documents, which Brian Davis informed me were available for review. (W&S had apparently informed BAD of availability.)

**1/13/05**

MC responded via email to my message of 1/12/05 and indicated she would look into availability for 1/18/05.

**1/17/05**

MC confirmed that Mundelein facility would be available for document review of approximately 6-8 boxes of documents containing financial and meeting minute information on Thursday 1/20/05 at 8:30am.

**1/18/05**

I confirmed with MC that I would be at the Mundelein facility at 8:30am on 1/20/05.

**1/20/05**

CM visited the Mundelein facility and reviewed 9 boxes of documents. Michelle Campbell was not present, but Yolanda, a contractor to Abbott supervised the visit. During the visit I indicated to Yolanda, and also to Michelle Campbell via two phone

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messages, that I needed the copies of the documents I flagged on Monday (1/24/05). I also indicated this same need via email to MC. (as of 1/31/05 Stoneturn had not received the copies of the documents requested on 1/20)

**1/31/05 – 2/1/05**

CM (1/31 only) and Mark Hair visited Abbott's Mundelein facility to review available documents. Carey \_\_\_\_\_ of Abbott's litigation department (presumably a paralegal) presented 8 boxes of documents.

Asked Carey Crimmins about certain documents that were highly redacted. Asked if we could have the redaction reviewed as in some instances the column headings were redacted and therefore the data was presented without meaningful context. He said he would forward along the request.

**2/8/05**

CM called MC re: availability of additional documents for review. She indicated that documents were being processed and she'd inform W&S when they were ready for our review. I also indicated that certain copies we requested on 1/20/05 and 1/31/05 were not yet received and that I would forward her a list via email shortly.

**3/3/04**

Emailed and left voice message for MC regarding access to Mundelein facility for document review on 3/7/05. Also inquired as to quantity of documents to be made available and if such quantity would represent the entirety of Abbott documents which were responsive to JH's request. Received email message back that StoneTurn could arrive at Mundelein facility at 9am on 3/7/05. MC offered no comments on other information requested.

**3/7/05**

Arrived with Mark Hair and Josh Dennis at the Mundelein facility for document review. Carey Crimmins, Abbott paralegal, presented 15 boxes for review. He indicated that these were not all the documents to be produced and that two more boxes would be produced by end of day. He also indicated that additional documents would be produced this week, so that all Abbott documents responsive to John Hancock's April 12, 2004 request would be produced by the end of the week (3/11).

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**PLs' PP**



Señor J. Rodríguez

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				Page 6	116	A-147627	Proctol Package, MSF-594, Gail	Proctol Package	Proctol Package	
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Tony Recusant - Copy Received

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3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		PowerPoint presentation titled "M00-253 Microbiology Guidelines"		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Vaccine for meningococcus relation to Protocols M00-211, M00-244 and M00-288		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Report titled "Global Study Protocol M00-211"		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Form letters for mass mailing regarding Protocol M00-244		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Report titled "Global Study Protocol M00-244"		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		List of test subjects for M00-211 and M00-244		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Albert Labo 00-244 Charter		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Various documents relating to specific procedures for Protocols M00-211, M00-244 and M00-288		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		PowerPoint Presentation re: M00-288, OncoGen		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Finalist summary of cases for Protocol M00-211		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Latter giving a brief description of components ABT-510, ABT-518, ABT-751 aside ABT-527		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Various Power Point presentations re: ABT-527 and M00-288		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Case Report Form Completion Guidelines, Confidentiality Impact Assessment, team etc and other		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Documents/presentations relating to Protocol M00-211		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		GRPD 2001 Patient Protection Policies (GPRD 2001)		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Excel spreadsheet showing Clinical Grant Information		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-527		Various documents showing Clinical Grant Information		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-584, 627, 773		PRB Development Compound Summary for ABT-584, ABT-627 and ABT-773 and related documents		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		PowerPoint Presentation relating to Oncology		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Timeline and Project Update Packet 1/16/04		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		Oncology Function, aspartic RAD for ABT-527, ABT-510 and ABT-751		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		Probability Assessment Worksheet for ABT-751 and supporting document including funding info		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		GRPD 2002 Informal and External Costs for ABT-510, ABT-518, ABT-751, ABT-527		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		Probability Assessment Worksheet for ABT-751		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		List of efficacy studies tables and figures		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		2002 Update - Global Pharmaceutical Research & Development (some pages double sided and includes index)		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		VARIOUS DOCUMENTS Documents heavily rejected and lack column headings. Need more INFO		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		ABT-773 Abbreviated Clinical Study Report, MSF-007, 1923032 (Two copies)		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		ABT-773 Clinical Study Report M01-325, 271303		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		11th European Congress of Clinical Microbiology and Infectious Disease, Lyme Surveillance		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		11th European Congress of Clinical Microbiology and Infectious Disease, In Vivo Studies of Antimicrobial Drugs		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		Scientific Poster Presented at the 41st ICAAC		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		Articles and Posters included to ABT-773		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		Printed news/journal articles and abstracts related to ABT-773		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		11th European Congress of Clinical Microbiology and Infectious Disease, Completion of NCCLS and BSAC Methods of Susceptibility		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		International Journal of Antimicrobial Agents Article, Bactericidal effect of orbifromycin (ABT-723) is a immunocompetent murine pneumococcal pneumonia model		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		Articles titled GPRD-2003 Genotype has a dose dependent effect on ABT-773 Plasma levels		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		ABT-773 Susceptibility Data		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		ABT-773 Background on GPRD		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-773		ABT-773 Project Update (see M00-25, 2004)		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Global Lin. Cycle Management Strategy		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 2005 GPRD Plan Presentation: Prepared assumptions for Ongoing Projects and related documents (includes variables)		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 2005 Preclinical Activities		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		2003 Budget Update and Cost Analysis		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Update, Oncology Steering Committee, 4/1/04		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Project Dashboard - Some include update on findings		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		PowerPoint Presentation - ABT-751 Indication Update and Backup		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Timeline and related documents		
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3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Project Update - Oncology Steering Committee, 12/2/03		
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3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		ABT-751 Project Update - Oncology Steering Committee, 11/20/04 (2 copies)		
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3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		Figure 1.2 - Analysis of time to disease progression		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		M02-416 - Site Payment Tracking		
3/7/05			3/7/05	JD	1600 N. High St.	Pallet 19	15	ABT-751		M02-446 - Site Payment Tracking		
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JUL 28. 2004 9:24PM

CHOATE HALL &amp; STEWART 6172484000

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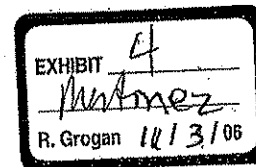
## Fax Transmittal Sheet

RECIPIENT	COMPANY	FAX	PHONE
Lawrence R. Desideri, Esq.	Winston & Strawn LLP	312-558-5700	312-558-5960

FROM	Karen Collari Troake	NUMBER OF PAGES	7
DATE	July 28, 2004	CLIENT NUMBER	2003799-0015
PHONE	(617) 248-5192	OPERATOR	TIME SENT

COMMENTS

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This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

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JUL 28 2004 9:24PM

CHOATE HALL & STEWART 6172484000

NO. 622 P. 2

**CHOATE, HALL & STEWART**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

KAREN COLLARD THORNE  
DIRECT DIAL: (617) 248-5192  
EMAIL: KTHORNE@CHOATE.COM

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109-2804

TELEPHONE (617) 248-5000 • FAX (617) 248-4000

WWW.CHOATE.COM

July 28, 2004

BY FACSIMILE

Lawrence R. Desideri, Esq.  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, Illinois 60601-9703

Dear Larry:

I am writing further to my voicemail messages of Monday, July 26 and earlier today and in reference to the inspection and audit currently being undertaken by Stone Turn Group LLP ("Stone Turn").

As you are aware, John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investor Partner Life Insurance Company (collectively, "John Hancock") notified Abbott Laboratories ("Abbott") on April 12, 2004 that they were exercising their right to inspect and audit all books and records of Abbott and of any Subcontractor<sup>1</sup> of Abbott, pursuant to § 2.5 of the Research Funding Agreement by and between Abbott and John Hancock dated as of March 13, 2001 (the "Agreement"). I have attached a copy of the original notice for your reference (the "Notice").

According to Stone Turn, although some documents have been made available, the majority of the documents identified in the Notice have not been made available; nor has Abbott provided any indication as to when the documents will be made available, despite repeated requests to do so. Moreover, it appears that none of the documents relating to cost and accounting information (described in Topic 1 of Schedule A to the Notice) or documents relating to Abbott's implementation of the Research Program (described in Topic 2 of Schedule A to the Notice) have been made available to the auditors. As I am sure you can appreciate, these categories of documents are critical to the audit.

<sup>1</sup> Unless otherwise specified herein, capitalized terms used in this letter have the same definitions as those set forth in the Agreement.

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NO. 622 P. 3

Lawrence R. Desideri, Esq.  
July 28, 2004  
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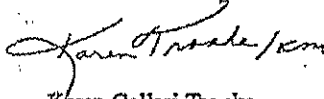
Accordingly, in an effort to ensure continued progress on the audit, please confirm when Stone Turn can expect to receive the following documents, which are listed in order of priority and in the order in which they should be made available:

- Documents described in Topic 1 of Schedule A
- Documents described in Topic 2 of Schedule A
- Documents described in Topic 4 of Schedule A
- Documents described in Topics 5 and 6 of Schedule A
- Documents described in Topic 3 of Schedule A

With respect to Topic 3, it is our understanding that the majority of the documents produced to date relate to this topic. Please confirm whether there are any additional documents related to this topic, and, if so, when they will be made available.

I look forward to hearing from you.

Sincerely,



Karen Collari Troake

cc: Brian A. Davis, Esq.  
Mr. Stephen G. Blewitt (By e-mail: [sblewitt@hancock.com](mailto:sblewitt@hancock.com))  
Mr. Christopher Martinez (By e-mail: [cmartinez@stoneturn.com](mailto:cmartinez@stoneturn.com))  
(All w/o encls.)

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JUL 28 2004 9:25PM CHOATE HALL & STEWART 6172484000

NO. 622 P. 4

APR 12 2004 4:28PM JOHN HANCOCK

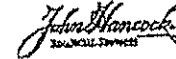
NO. 429 P. 2/5

John Hancock Financial Services, Inc.

Bank and Corporate Finance Group

John Hancock Place  
Post Office Box 111  
Boston, Massachusetts 02117  
(617) 572-5624  
Fax (617) 572-1523  
Email: jhancock@hancock.com

Stephen J. Iversen  
Senior Managing Director



April 12, 2004

BY FAX (847) 937-6683  
CONFIRMATION COPY BY U.S. FIRST CLASS MAIL

Mr. James L. Tyree  
Vice President, Global Licensing & New Business Development  
Abbott Laboratories  
200 Abbott Park Road  
Abbott Park, IL 60064-6189

Re: Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Investors Partner Life Insurance Company, dated as of March 13, 2001

Dear Jim:

Pursuant to § 2.5 of the Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company, dated as of March 13, 2001 (the "Agreement"), John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company (collectively, "John Hancock") hereby give notice of the exercise of their right to inspect and audit all books and records of Abbott and of any Subcontractor<sup>1</sup> of Abbott with respect to the following matters:

1. All Program Related Costs expended by Abbott during each Program Year;
2. Compliance by Abbott with its obligations, under § 2.2 of the Agreement, to prepare and provide John Hancock with an Annual Research Plan, and to conduct the Research Program during each Program Year in accordance with the Annual Research Plan for such Program Year;
3. Compliance by Abbott with its obligation, under § 2.3 of the Agreement, to use Commercially Reasonable Efforts to conduct the Research Program in accordance with the requirements of § 2.3 of the Agreement;
4. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to substitute Program Compounds in accordance with the requirements of § 4.3 of the Agreement;

<sup>1</sup> Unless otherwise specified herein, capitalized terms used in this letter and in the attached Schedule A shall have the same definitions as those set forth in the Agreement.

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JUL 28. 2004 9:25PM CHOATE HALL &amp; STEWART 6172484000

NO. 622 P. 5

APR. 12. 2004 4:28PM JOHN HANCOCK

NO. 429 P. 3/5

5. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to out-license or divest Ceased Compounds to third parties in accordance with the requirements of § 4.3 of the Agreement;
6. The stage of development and status of each Program Compound as of March 13, 2001; and
7. The current stage of development and status of each Program Compound.


Attached hereto as Schedule A is a preliminary list of those categories of books and records that John Hancock reasonably expects will be made available for its inspection and audit of these matters. The list is provided solely to assist Abbott in complying with this notice, and not by way of limitation. John Hancock requests that all books and records of Abbott and its Subcontractors pertaining to the above-identified matters be made available for its inspection and audit, regardless whether such books and records are described on Schedule A.

John Hancock's inspection and audit of the books and records of Abbott, as set forth herein, shall be conducted by Christopher Martinez, Brian Napper and other employees of the StoneTurn Group, LLP, a firm of independent auditors retained by John Hancock. The audit shall take place during normal business hours commencing on May 12, 2004, and continuing from day to day thereafter until completion, subject to adjournment as may be necessary to accommodate scheduling exigencies. In accordance with § 2.5 of the Agreement, John Hancock reserves its right to designate for copying, at its initial expense (but subject to reimbursement by Abbott in accordance with § 2.5 of the Agreement), any or all of the books and records of Abbott that are subject to its inspection and audit.

Please inform me before the close of business on May 5, 2004 of the specific location at which Abbott will make its books and records available for inspection and audit pursuant to this notice. Please also provide me with the name of the person who the StoneTurn Group's representatives should contact upon their arrival to begin their inspection and audit.

Thank you for your anticipated cooperation.

Very truly yours,

  
Stephen J. Blewitt

Attachment

cc: General Counsel (by fax, 847-938-6277; confirmation copy by mail)  
Lawrence R. Desideri, Esq.  
Peter E. Gelhaar, Esq.  
Brian A. Davis, Esq.  
Michael Arthur Walsh, Esq.

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JUL 28 2004 9:25PM CHOATE HALL &amp; STEWART 6172484000

NO. 622 P. 6

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NO. 429 P. 4/5

## Schedule A.

1. All records and documents indicating expenditures made by Abbott related to any compound that is now or ever was a Program Compound, including the following:
  - a. Abbott's standard policies and procedures related to accounting for project/program related expenditures;
  - b. Abbott's chart of accounts as relevant to accounting for project/program related expenditures;
  - c. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (e.g., direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, etc.);
  - d. Accounting framework for compiling the expenditures presented (i.e., whether cost assembled on an accrual or cash basis of accounting);
  - e. Identification of whether expenditures presented were capitalized or expensed under General Accepted Accounting Procedures ("GAAP") definitions;
  - f. Summary of the timing of expenditures for each Program Compound within each year presented;
  - g. Contracts or other governing documents and information related to all Research Program activities performed by Subcontractors;
  - h. Reconciliations of annual expenditures by Program Compound to the audited financial statements of Abbott;
  - i. Calculations, algorithms, and basis for all allocations included in the total expenditures by Program Compound by year;
  - j. Abbott standard policies and procedures related to allocation of indirect costs;
  - k. Expenditure/Costs summaries and/or reports prepared in the normal course of managing the development of each Program Compound; and
  - l. Underlying supporting records (e.g., timesheets, payroll records, purchase orders, invoices, etc.) for all expenditures made related to each Program Compound.
2. All records and documents discussing or evidencing the implementation and conduct of the Research Program, including but not limited to:
  - a. Reports/Updates/Summaries prepared by Abbott in the normal course of managing the development of the Program Compounds;
  - b. Listing of all reports/updates/summaries typically prepared by Abbott during the normal course of developing an experimental pharmaceutical compound;
  - c. Minutes/Summaries/Notes from all management meetings in which any of the Program Compounds were reviewed or approved for further development funding;
  - d. Analysis and documentation supporting all forward looking projections of expenditures to be incurred for each Program Compound by year;

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JUL 28. 2004 9:26PM CHOATE HALL &amp; STEWART 6172484000

NO. 622. P. 7

APR. 12. 2004 4:21PM JOHN HANCOCK

NO. 429 P. 5/5

- e. Abbott policies and guidance as to the appropriate and/or required methods/approaches/procedures for conducting a research program for an experimental pharmaceutical compound;
  - f. Abbott's internal approval framework for determining whether or not to continue to fund and develop an experimental pharmaceutical compound, including all relevant thresholds for approval along the compound development process; and
  - g. Minutes/Summaries/Notes from all Abbott meetings regarding continued funding of product development for any Program Compounds.
3. All records and documents concerning Abbott's obligations under § 4.3 of the Agreement, including but not limited to:
- a. Records identifying any and all Replacement Compounds;
  - b. Records identifying any and all Failed Early Stage Program Compounds;
  - c. Records identifying any and all Ceased Compounds;
  - d. All documents pertaining to Abbott's consideration or selection of any compound to replace any Failed Early Stage Program Compound;
  - e. Records identifying any and all compounds that Abbott held out as or considered to be "back up" compounds for the compounds that constituted the Program Compounds (i) on the effective date of the Agreement, and (ii) as of the end of each calendar year 2001 through 2003; and
  - f. All documents pertaining to the actual or attempted out-licensing or divestiture of any Ceased Compound.
4. All records and documents concerning the status of each Program Compound as of March 13, 2001 and currently, including but not limited to:
- a. Reports/Summaries/Meeting Minutes which indicate the stage of development of each compound that originally constituted a Program Compound during the first calendar quarter of 2001;
  - b. Records describing the various stages into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - c. Records indicating when each Program Compound reached each stage of pre-clinical or clinical development into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - d. Reports/Summaries/Meeting Minutes which evidence the current status of each Program Compound; and
  - e. Management Reports and/or other documents prepared in the normal course of business which indicate future prospects and development expectations for each Program Compound.

3678931v1

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ABBT 0000123

**PLs' NW**





"Chris Martinez "  
<cmartinez@stonetum .com  
>

08/31/2004 05:38 PM

To <michelle.campbell@abbott.com>  
cc "Neil Zoltowski" <nzoltowski@stonetum.com>  
bcc  
Subject RE: FW: FW: John Hancock Audit

Thanks! Neil will see you there on Friday morning.

---

From: michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
Sent: Tuesday, August 31, 2004 5:13 PM  
To: Chris Martinez  
Cc: Neil Zoltowski  
Subject: RE: FW: FW: John Hancock Audit

1040 or 1060 High street in Mundelein, Illinois  
847-949-3917 is the number for the warehouse personnel, in case you have trouble with directions, etc.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

---

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---

"Chris Martinez " <cmartinez@stonetum .com>

08/31/2004 05:09 PM

To: <michelle.campbell@abbott.com>  
cc: "Neil Zoltowski" <nzoltowski@stonetum.com>  
Subject: RE: FW: FW: John Hancock Audit

Michelle,  
Okay, we have worked out our schedules and my colleague Neil Zoltowski will be able to visit the

*Campbell*  
*2/20/07* *23* *CS*

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ABBT0126635

Mundelein warehouse on Friday morning beginning at 9am. Can you please remind me of the address of that facility so Neil can generate directions?

Thanks again for your assistance with this matter.

Regards,  
Chris

---

From: michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
Sent: Tuesday, August 31, 2004 4:00 PM  
To: Chris Martinez  
Subject: Re: FW: FW: John Hancock Audit

Hi Chris -

Tomorrow I am working from home, so I can attend an appointment and my physical therapy. So that will not work. Thursday would be OK (with some juggling), Friday would be preferable. The materials are at Mundelein, and the warehouse can be open from 9-5, but I imagine that you would get through the boxes quickly. I am not sure about the July 28th correspondence, I will have to get a copy of the letter.

The week after I am currently open Tuesday, Thursday & Friday. Since I anticipate it will only take 1 day, let me know your preference so I can block it off right away.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

---

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---

"Chris Martinez" <cmartinez@stonetum.com>

CONFIDENTIAL  
ABBT0126636

08/31/2004 03:49 PM

To: <michelle.campbell@abbott.com>

cc:

Subject: FW: FW: John Hancock Audit

Michelle,  
Per my request yesterday, is it possible to have someone come out to Abbott tomorrow for the review of documents? Also, please see my questions below and answers to those queries would be much appreciated.

Thanks,  
Chris  
(512)422-2626

---

From: Chris Martinez  
Sent: Monday, August 30, 2004 12:29 PM  
To: 'michelle.campbell@abbott.com'  
Subject: RE: FW: John Hancock Audit

Michelle,  
Thanks for the below information. Can you tell me what is contained in the 6 boxes currently available for review? Also, can you tell me when those categories of documents as prioritized by in the July 28<sup>th</sup> correspondence from Choate, Hall & Stewart (representing John Hancock) to Winston & Strawn (representing Abbott) will be made available?

Also, a StoneTurn representative (either myself or a colleague) would like to visit Abbott this week to review the available documents. Can you please let me know what days later in the week are good for such a review? Also, at which facility are the documents housed?

Thanks again for your assistance.

Regards,  
Chris

---

From: michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
Sent: Thursday, August 26, 2004 3:07 PM

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ABBT0126637



To: Chris Martinez  
Subject: Re: FW: John Hancock Audit

Sorry - I hit send before I finished, but all I was going to add was let me know if you want to review the boxes, and I will send you a status next week.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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----- Forwarded by Michelle L. Campbell/Abbott Laboratories on 08/26/2004 03:05 PM -----

Michelle L. Campbell

08/26/2004 03:05 PM

To: "Chris Martinez" <cmartinez@stonetum.com>  
cc:  
Subject: Re: FW: John Hancock Audit [Link](#)

Hi Chris -

Sorry for the delay in responding, I am at 6 boxes now. I may have 1-2 more by mid next week.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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ABBT0126638

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**PLs' RW**



UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE  
COMPANY, JOHN HANCOCK  
VARIABLE LIFE INSURANCE  
COMPANY, and MANULIFE  
INSURANCE COMPANY (f/k/a  
INVESTORS PARTNER INSURANCE  
COMPANY),

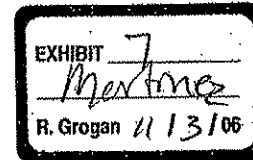
Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

CIVIL ACTION NO. 05-11150-DPW



**JOHN HANCOCK'S OBJECTIONS AND RESPONSES  
TO ABBOTT LABORATORIES' FIRST SET OF INTERROGATORIES**

Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and ManuLife Insurance Company (f/k/a Investors Partner Life Insurance Company) (collectively, "John Hancock") hereby object and respond, pursuant to Fed. R. Civ. P. 33(b) and the Local Rules of this Court, to defendant Abbott Laboratories' ("Abbott") First Set of Interrogatories (the "Interrogatories") as follows:

**EXHIBIT B**

**Documents Requested to be Produced by Abbott  
for Audit Purposes in December 2004**

1. Documents that refer or relate to the possibility or certainty that the development of ABT-518 was being, or would be, "slowed down" in or about February/March 2001. (Schedule A, § 4[d]).
2. Documents that refer or relate to the development of ABT-518 being placed "back on track" in or about February/March 2001. (Schedule A, § 4[d]).
3. Documents that refer or relate to the "518 debacle" referenced in Perry Nisen's e-mail to Philip Deemer, dated March 21, 2001. (Schedule A, § 4[d]).
4. The documents relied upon by Abbott in formulating its Annual Research Plans for 2001-2004. (Schedule A, § 2[d]).
5. The documents relied upon by Abbott in formulating its alternative Annual Research Plans for 2005. (Schedule A, § 2[d]).
6. The documents relied upon by Abbott in formulating its Research Program Status Reports for 2001-2005. (Schedule A, § 2[a]).
7. Documents that constitute, refer or relate to any and all reports or information received by Abbott on or prior to March 13, 2001 regarding ABT-594 study M99-114. (Schedule A, § 4[a] and [e]).
8. Documents that constitute, refer or relate to any and all patient enrollment data received by Abbott on or prior to March 13, 2001 regarding ABT-594 study M99-114. (Schedule A, § 4[a] and [e]).
9. Documents that constitute, refer or relate to any and all reports or information received by Abbott on or prior to March 13, 2001 regarding any premature terminations observed or experienced in ABT-594 study M99-114. (Schedule A, § 4[a] and [e]).
10. Documents that refer or relate to Abbott's "Pharma Executive Management Committee" and any of the Program Compounds. (Schedule A, §§ 2[a] and 4[e]).
11. Documents that constitute, refer or relate to any Abbott "Decision Analysis" with respect to any of the Program Compounds. (Schedule A, §§ 2[a] and 4[e]).
12. Documents that constitute, refer or relate to any and all opinion leader comments on any of the Program Compounds. (Schedule A, §§ 2[a] and 4[e]).
13. Documents that refer or relate to Abbott's efforts to out-license any Ceased Compounds, including ABT-773, ABT-594, ABT-492, ABT-518, ABT-100 or ABT-724. (Schedule A, § 3[f]).



14. Documents that constitute, refer or relate to the "2001 APU" or 2001 "April Update" referenced in Mr. Tom Lyons' letter to Mr. Steve Blewitt, dated November 26, 2001 (AL 000403). (Schedule A, § 2[a]).
15. Any and all monthly reports or monthly updates that refer or relate to the development status or prospects of any of the Program Compounds. (Schedule A, § 2[a]).
16. Any and all periodic reports or periodic updates that refer or relate to the development status or prospects of any of the Program Compounds. (Schedule A, § 2[a]).
17. Documents that refer or relate to Abbott's "nominal" and/or "expected" investment costs with respect to any of the Program Compounds. (Schedule A, §§ 2[a] and [d]).
18. Documents that refer or relate to Abbott's "potential" and/or "expected" research and development (R&D) costs with respect to any of the Program Compounds. (Schedule A, §§ 2[a] and [d]).
19. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (e.g., direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, etc.). (Schedule A, § 1[c]).
20. Documents similar to AL 001863-64, AL 001956-60, AL 001989-93, and AL 002045-48 for any and all of the Program Compounds for the period March 2001 to the present. (Schedule A, §§ 1[c] and 2[a]).
21. Documents that constitute, refer or relate to Abbott's standard policies and procedures concerning accounting for project/program related expenditures. (Schedule A, §§ 1[a]).
22. Documents refer or relate to Abbott's efforts to replace any "Failed Early Stage Program Compounds." (Schedule A, §§ 3[d]).
23. Documents sufficient to describe in reasonable detail the contents and capabilities of Abbott's "knowledge management system" with respect to any of the Program Compounds. (Schedule A, § 2[a]).

**PLs' OL**

REDACTED

# GPRD Quality Assurance Monthly Highlights December 2003

Projects





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SPRD QA Monthly Highlights

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**CONFIDENTIAL**

**ABBT 0000179**

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GPRD QA Monthly Highlights

Page 3 of 5

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ABBT 0000180

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**CONFIDENTIAL**

**ABBT 0000181**



**REDACTED**

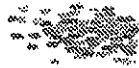
GPRD QA Monthly Highlights

Page 5 of 5

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**PLs' OI**



Michelle L.  
Campbell /LAKE/CORP/ABB  
OTT

01/26/2005 01:12 PM

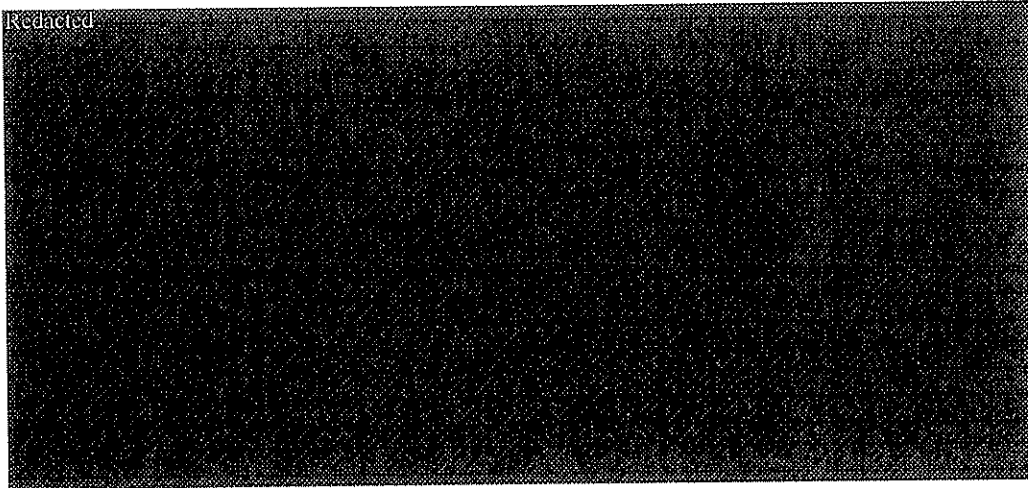
To: Kenneth A Wittenberg/LAKE/CORP/ABBOTT@ABBOTT

cc:

bcc:

Subject: RE: Copies of Documents Flagged Today-Privileged & Confidential

Redacted

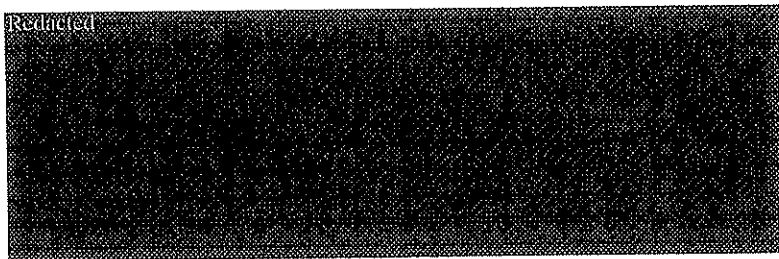


Kenneth A Wittenberg

Kenneth A Wittenberg  
01/26/2005 01:07 PM

To: Michelle L Campbell/LAKE/CORP/ABBOTT@ABBOTT  
cc:  
Subject: RE: Copies of Documents Flagged Today-Privileged & Confidential

Redacted



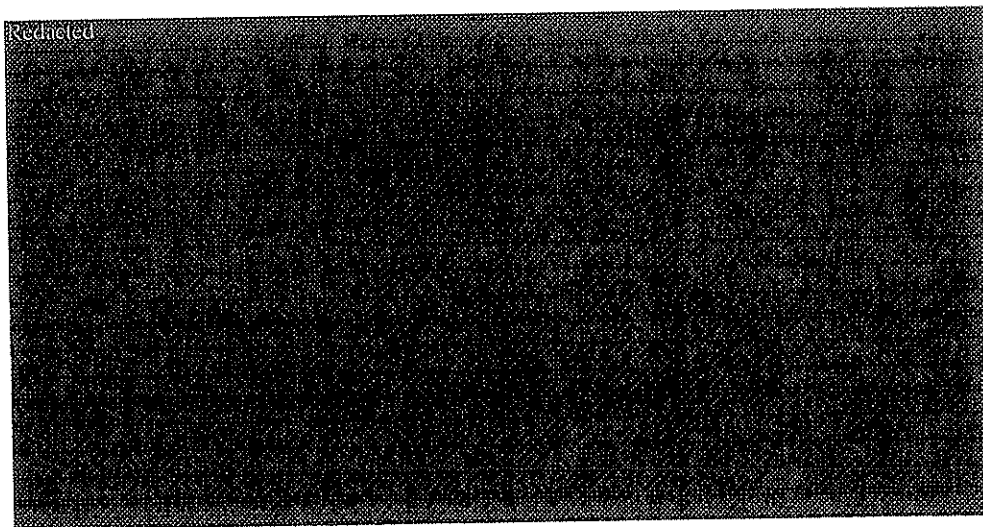
Michelle L. Campbell  
01/26/2005 01:02 PM

To: Kenneth A Wittenberg/LAKE/CORP/ABBOTT@ABBOTT  
cc:  
Subject: RE: Copies of Documents Flagged Today-Privileged & Confidential

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2/20/07 LJS

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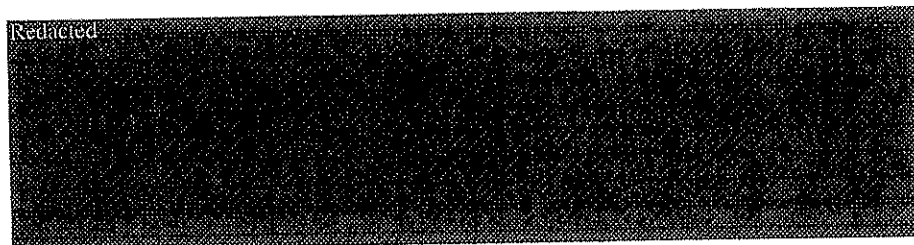




Kenneth A Wittenberg

Kenneth A Wittenberg  
01/26/2005 12:59 PM

To: Michelle L Campbell/LAKE/CORP/ABBOTT@ABBOTT  
cc:  
Subject: RE: Copies of Documents Flagged Today-Privileged & Confidential



Michelle L Campbell  
01/26/2005 12:56 PM

To: Kenneth A Wittenberg/LAKE/CORP/ABBOTT@ABBOTT  
cc:  
Subject: RE: Copies of Documents Flagged Today-Privileged & Confidential

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ABBT0126768

Redacted



----- Forwarded by Michelle L Campbell/LAKE/CORP/ABBOTT on 01/26/2005 12:56 PM -----



"Mark Hair"  
<mhair@stoneturn.com>  
m>

01/26/2005 11:28 AM

To: "Michelle L Campbell" <michelle.campbell@abbott.com>  
cc: "Chris Martinez" <cmartinez@stoneturn.com>  
Subject: RE: Copies of Documents Flagged Today

Michelle,

Do you have a status of when the flagged documents will be provided for our review? Per your email below, the documents were going to be sent on Monday, January 24<sup>th</sup>, but as of yet, we have not received them either electronically or in hard copy. In your voicemail yesterday morning, you mentioned that the flagged documents needed to be reviewed before you could send them to us. Has that review been done? Also, I have not heard from you with regards to next Monday, January 31<sup>st</sup>. Chris Martinez and I are planning to review new documents in Chicago. Will the documents be available for our review Monday morning?

Regards,

Mark Hair  
StoneTurn Group, LLP

Office: 925-974-3376  
Fax: 925-974-3338  
Mobile: 203-300-3692  
mhair@stoneturn.com  
[www.stoneturn.com](http://www.stoneturn.com)

2121 N. California Blvd., Suite 290  
Walnut Creek, CA 94596

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ABBT0126769

---

From: Michelle L Campbell [mailto:michelle.campbell@abbott.com]  
Sent: Monday, January 24, 2005 8:19 AM  
To: Chris Martinez  
Cc: Mark Hair  
Subject: Re: Copies of Documents Flagged Today

I was out of the office after I left Mundelein on Thursday, until today. I just received your message this morning. I can either e-mail the documents in PDF format to you, assuming our scanner is working, or I can fax them to you provide me with the correct fax number. Hard copies will be sent for tomorrow morning.

As for the remainder of your questions, I will provide you with a response as soon as I have additional information.

Michelle

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

---

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---

"Chris Martinez "  
<cmartinez@stoneturn.com>

01/20/2005 06:46 PM

To: "Michelle L Campbell" <michelle.campbell@abbott.com>  
cc: "Mark Hair" <mhair@stoneturn.com>, "Chris Martinez"  
<cmartinez@stoneturn.com>  
Subject: Copies of Documents Flagged Today

Michelle,

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ABBT0126770



Thanks for arranging for the review of documents today. As I informed Yolanda, I tagged a number of documents for copying. Further, as I indicated in the couple of voice messages I left you earlier, we need to get these copies delivered to StoneTurn on Monday AM. I assume this doesn't present a problem, but if it does, we can bring in an outside firm to handle the job. As I indicated in my messages to you, please let me know today if you would like StoneTurn to arrange for copying, otherwise, we may not be able to accomplish it and guarantee delivery by Monday AM.

In any event, please ship the document copies to:

Mark Hair  
StoneTurn Group LLP  
2121 N. California Blvd., Ste 290  
Walnut Creek, CA 94596  
(925)974-3377

Also, if you could include in that shipment the copies of the documents we requested back in July, and re-requested at our December 17<sup>th</sup>, 2004 meeting, I'd appreciate it.

Further, as I understand that all of the Abbott documents responsive to John Hancock's request for documents will be available by January 31, 2005, Mark Hair and I will plan on returning to your facility to review documents on that date. Please confirm that such a review can commence on January 31<sup>st</sup>.

Thanks again for all your assistance.

Regards,

***Christopher Martinez***

StoneTurn Group, LLP  
100 Congress Avenue, Suite 2000  
Austin, TX 78738

(512) 469-5577 office  
(512) 422-2626 mobile  
[cmartinez@stoneturn.com](mailto:cmartinez@stoneturn.com)

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ABBT0126771

**Ex. 48**

**Mark Hair**

**From:** Mark Hair  
**Sent:** Thursday, March 10, 2005 12:21 PM  
**To:** Michelle L Campbell  
**Cc:** Chris Martinez  
**Subject:** JH - Abbott Audit Documentation  
**Attachments:** Schedule A Status 3-10-05.xls

Michelle,

It was good to meet you briefly yesterday in Mundelein. As I mentioned yesterday, we have some observations and questions related to the documents provided for the audit.

This week, a total of 17 new boxes were provided for review. We flagged documents to be copied, gave requests to Carey Crimmins, and several boxes have already been sent out for copying. When should we plan to receive the copied documents? Please continue to send copies to my attention at the address below.

Also, we noted some financial documents/spreadsheets that appeared to provide cost details for one of the Program Compounds, ABT-627. The formatting of the documents caused various costs to be printed on separate pages from the cost descriptions, making the financial reports unusable. We discussed this issue with Carey and flagged this report as well as other documents for further follow up. We would like electronic copies of these documents or have documents printed in a usable format. Additionally, the above mentioned spreadsheet appears to be only related to program costs incurred for ABT-627 during 2004. Are similar reports available for the other Program Compounds and other years (2000 - 2004)? If so, when will these documents be made available for review?

We also noted that there are no emails included in the boxes related to the Program Compounds. It is our understanding that requests were made for emails to be available for review. Have emails been provided in the available documents? If so, which boxes contain these emails? If they have not yet been produced, when will they be available for review?

As we left the Mundelein facility today, Carey said that there was one additional set of documents (less than one box) that was not available at the time of our review, but that the entire set of documents would be copied and sent to us. Except for this one set of documents, Carey was not aware of any additional documents that were going to be produced for the audit. I wanted to confirm this with you as well. Have all documents been made available for the audit? Are you aware of any additional documents that have not yet been provided to us? If so, when will additional documents be available for review?

Attached is a spreadsheet summarizing John Hancock's requests for information/documentation as included in Schedule A of the April 12, 2004 letter from Steven Blewitt. Are all documents related to these requests included in the documents currently available for review? With respect to each of the requested items from Schedule A, please respond to the following:

- (i) Whether all requested information/documents have been produced for the Audit
- (ii) The titles and descriptions of the responsive documents
- (iii) The location of the documents, including site and box number

Thank you for your assistance, and I look forward to hearing from you.

*Campbell*  
*2/20/07*  
*36*  
*LS*

2/2/2006

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 S0017



Page 2 of 2

Mark Hair  
StoneTurn Group, LLP

Office: 925-974-3376  
Fax: 925-974-3338  
Mobile: 203-300-3692  
[mhair@stoneturn.com](mailto:mhair@stoneturn.com)  
[www.stoneturn.com](http://www.stoneturn.com)

2121 N. California Blvd., Suite 290  
Walnut Creek, CA 94596

2/2/2006

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S0018

**John Hancock Audit of Research Funding Agreement with Abbott  
Status of Information and Document Requests**

Requests*	All Items Have Been Produced for the Audit [Y/N]	Titles and Descriptions of Responsive Documents	Location of Information [Site & Box #]
<p>1. All records and documents indicating expenditures made by Abbott related to any compound that is now or ever was a Program Compound, including the following:</p> <ul style="list-style-type: none"> <li>a. Abbott's standard policies and procedures related to accounting for project/program related expenditures;</li> <li>b. Abbott's chart of accounts as relevant to accounting for project/program related expenditures;</li> <li>c. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (e.g., direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, etc.);</li> <li>d. Accounting framework for compiling the expenditures presented (i.e., whether cost assembled on an accrual or cash basis of accounting);</li> <li>e. Identification of whether expenditures presented were capitalized or expensed under General Accepted Accounting Procedures ("GAAP") definitions;</li> <li>f. Summary of the timing of expenditures for each Program Compound within each year presented;</li> <li>g. Contracts or other governing documents and information related to all Research Program activities performed by Subcontractors;</li> <li>h. Reconciliations of annual expenditures by Program Compound to the audited financial statements of Abbott;</li> <li>i. Calculations, algorithms, and basis for all allocations included in the total expenditures by Program Compound by year;</li> <li>j. Abbott standard policies and procedures related to allocation of indirect costs;</li> <li>k. Expenditures/Costs summaries and/or reports prepared in the normal course of managing the development of each Program Compound; and</li> <li>l. Underlying supporting records (e.g., timesheets, payroll records, purchase orders, invoices, etc.) for all expenditures made related to each Program Compound</li> </ul> <p>2. All records and documents discussing or evidencing the implementation and conduct of the Research Program, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. Reports/Updates/Summaries prepared by Abbott in the normal course of managing the development of the Program Compounds;</li> <li>b. Listing of all reports/updates/summaries typically prepared by Abbott during the normal course of developing an experimental pharmaceutical compound;</li> <li>c. Minutes/Summaries/Notes from all management meetings in which any of the Program Compounds were reviewed or approved for further development funding;</li> <li>d. Analysis and documentation supporting all forward looking projections of expenditures to be incurred for each Program Compound by year;</li> <li>e. Abbott policies and guidance as to the appropriate and/or required methods/approaches/procedures for conducting a research program for an</li> </ul>			

**John Hancock Audit of Research Funding Agreement with Abbott  
Status of Information and Document Requests**

Requests*	All Items Have Been Produced for the Audit [Y/N]	Titles and Descriptions of Responsive Documents	Location of Information [Site & Box #]
<p>experimental pharmaceutical compound;</p> <p>f. Abbott's internal approval framework for determining whether or not to continue to fund and develop an experimental pharmaceutical compound including all relevant thresholds for approval along the compound development process; and</p> <p>g. Minutes/Summaries/Notes from all Abbott meetings regarding continued funding of product development for any Program Compounds.</p> <p>3. All records and documents concerning Abbott's obligations under § 4.3 of the Agreement, including but not limited to:</p> <p>a. Records identifying any and all Replacement Compounds;</p> <p>b. Records identifying any and all Failed Early Stage Program Compounds;</p> <p>c. Records identifying any and all Ceased Compounds;</p> <p>d. All documents pertaining to Abbott's consideration or selection of any compound to replace any Failed Early Stage program Compound;</p> <p>e. Records identifying any and all compounds that Abbott held out as or considered to be "back up" compounds for the compounds that constituted the Program Compounds (i) on the effective date of the Agreement, and (ii) as of the end of each calendar year 2001 through 2003; and</p> <p>f. All documents pertaining to the actual or attempted out-licensing or divestiture of any Ceased Compound.</p> <p>4. All records and documents concerning the status of each Program Compound as of March 13, 2001 and currently, including but not limited to:</p> <p>a. Reports/Summaries/Meeting Minutes which indicate the stage of development of each compound that originally constituted a Program Compound during the first calendar quarter of 2001;</p> <p>b. Records describing the various stages into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;</p> <p>c. Records indicating when each Program Compound reached each stage of pre-clinical or clinical development into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;</p> <p>d. Reports/Summaries/Meeting Minutes which evidence the current status of each Program Compound; and</p> <p>e. Management Reports and/or other documents prepared in the normal course of business which indicate future prospects and development expectations for each Program Compound.</p>			

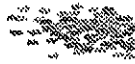
Page 2

\* per Schedule A of April 12, 2004 letter from John Hancock to Abbott

CONFIDENTIAL  
S0020



**Ex. 49**



Michelle L.  
Campbell /LAKE/CORP/ABB  
OTT

03/22/2005 04:43 PM

To: mhair@stoneturn.com  
cc:  
bcc:  
Subject: Hancock Audit

Hi Mark -

I am responding to your March 10, 2005 e-mail regarding the audit documents. You should have received today the final box of copies of documents from among those designated during the week of March 7, 2005. You should receive by the end of this week additional documents, less than one box, that were not available for review before your team left on Thursday, March 10.

Regarding the spreadsheet for ABT-627 mentioned in your e-mail, I will also try to send either an electronic version of the spreadsheet or a more easily readable print out of the spreadsheet as soon as possible.

Finally, regarding your remaining questions and request for identification of the specific documents that respond to each category of Hancock's audit requests, Abbott has fulfilled its obligation to comply with the audit provision of the contract, subject to the production of the remaining number of documents mentioned above.

Kind Regards,

Michelle

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, use or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by return e-mail, and delete it from his or her computer.

Campbell 37  
02/20/07 LS

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ABBT0126575

**PLs' OT**





Michelle L. Campbell

03/25/2005 03:05 PM

To: "Mark Hair" <mhair@stoneturn.com>  
cc: "Chris Martinez" <cmartinez@stoneturn.com>  
Subject: Re: John Hancock Audit

Hi Mark -

Certain documents were removed, and are being investigated as being either non-responsive to the audit request or privileged.

Have a great holiday.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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"Mark Hair" <mhair@stoneturn.com>



"Mark Hair"  
<mhair@stoneturn.com>  
m>

03/23/2005 03:48 PM

To: "Michelle L. Campbell" <michelle.campbell@abbott.com>  
cc: "Chris Martinez" <cmartinez@stoneturn.com>  
Subject: John Hancock Audit

Michelle,

We have gone through the copies of box #17 that we received yesterday. It appears that some of the documents requested are not included in the copy set (StoneTurn requested a complete set of copies of the entire box). Please confirm that all documents from box #17 have been provided or explain why certain documents have not been provided. Your immediate attention to this matter is appreciated. Thank you.

Mark Hair  
StoneTurn Group, LLP

Office: 925-974-3376  
Fax: 925-974-3338  
Mobile: 203-300-3692

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ABBT 0000270

*Campbell*  
*2/20/07* *39* *CS*

—  
[mhair@stoneturn.com](mailto:mhair@stoneturn.com)  
[www.stoneturn.com](http://www.stoneturn.com)

2121 N. California Blvd., Suite 290  
Walnut Creek, CA 94596

**CONFIDENTIAL**

**ABBT 0000271**

**PLs' BO**



Perry D Nisen

03/21/2001 10:30 AM

To: Philip M Deemer/LAKE/CORP/ABBOTT@ABBOTT

cc:

Subject: Re: Hancock and Alcon

Phil

Mega mazal tov! You are the most tenacious guy I know- you deserve a new car not just a pen. I know all about the 518 debacle (I tell you more over the phone). Since we killed 839 (this was the FTI) I have no objection to sending them some (talk to Saul). There is much I would like to discuss with you. I'm in LA (my sister is quite ill), then if she is stable, to Worcester tonight, then Boston, then return Fri night, but out all next week (school break- vacation).

My cell phone is 847 682 7188. I hope you and Diane are well- haven't spoken to you in ages. We need a f/u mtg with Eisai- Azmi has the clinical brochure and protocols- you may want to send those  
pn

From: Philip M Deemer on 03/20/2001 09:53 AM

From: \* Philip M Deemer on 03/20/2001 09:53 AM

To: Perry D Nisen/LAKE/PPRD/ABBOTT@ABBOTT

cc:

Subject: Hancock and Alcon

You probably heard that Hancock was signed last week: \$214,000,000 over 4 years! A long time coming but finally done. We had a little scare at the end when it looked like 518 was being slowed down which could have been the deathnell to the deal. I worked with John to protest that and I understand it is back on track.

On another matter, Alcon called me looking for 2g of 839. We don't need to work with them if there is no/little synergy. I told them I thought it would be difficult to give them that amount at this time but that I would check with you.

Perry, We should catch up with one another before too long.

Best regards.

ABBT 0004019  
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**PLs' DT**

Elizabeth  
Kowaluk/LAKE/PPRD/ABBO  
TT  
11/30/2000 05:08 PM

To: Bryan F Cox/LAKE/PPRD/ABBOTT@ABBOTT  
cc:  
bcc:  
Subject: Re: 12/6 meeting [ ]

Interesting - I wonder that is based on?

Liz

Bryan F Cox

Bryan F Cox  
11/30/2000 05:05 PM

To: Elizabeth Kowaluk/LAKE/PPRD/ABBOTT@ABBOTT  
cc:  
Subject: Re: 12/6 meeting [ ]

Wouldn't miss it for the world. Sadly though, our die may be cast. At SAC today, Jeff Leiden put up a slide today listing ABT-822 as Commercial Viability Questionable.

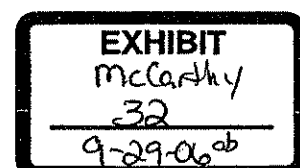
Of course, ABT-594 was painted with the same brush.

Bryan

*Silber*  
DEP. EX. NO. 33  
FOR ID., AS OF 2-9-07 *BC*

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ABBT326427





**PLs' PJ**

Jim,

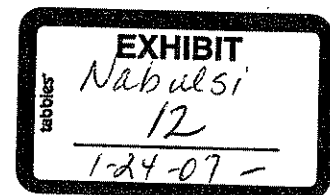
Greetings.

We had a project review with upper management this Wednesday. During this review there was a concern regarding the continuation with ABT-518 development. Although, we thought that we will be allowed to continue at this time, I and Perry have learned, 45 minutes ago, that we should stop all development activities immediately. As much as I hate to do this to you, I would like to ask you to communicate with Drs. Zonnenberg and Schellen that we are not proceeding with the trial as a result of the projects re-prioritization following the acquisition of Knoll. I will call you on your mobile phone (I do not have your home #) to discuss this further with you and check your comfort level with this very difficult task. If you prefer to call me, my home number: 847-382-3818, mobile: 847-380-5830. As you know, at AZU they are expecting a patient Monday morning, so this has to be done ASAP.

I did not have the chance to tell Todd and Diane D. this news since I was informed late in the day and they have left already. So please do not copy others until I have a chance to inform them directly.

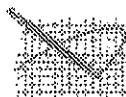
Thanks

Azmi



**PLs' RX**





Thomas E  
Woldat/LAKE/PPRD/ABBOTT  
T  
03/21/2001 04:59 PM

Mike A Higgins/LAKE/PPRD/ABBOTT@ABBOTT, Michael A  
Comilla/LAKE/PPRD/ABBOTT@ABBOTT, Matthew R  
Russell/LAKE/PPRD/ABBOTT@ABBOTT, William A  
To Brown/LAKE/PPRD/ABBOTT@ABBOTT, Kay  
Rekau/LAKE/PPRD/ABBOTT@ABBOTT, Steve  
Szostak/LAKE/PPRD/ABBOTT@ABBOTT, Anita P  
Bakker/LAKE/PPRD/ABBOTT@ABBOTT

cc

bcc

Subject Proposed APU Target Adjustments

Attached please find my proposed adjustments to APU targets based on 1) Review of detail budget info in Oracle and 2) based on issues that have come in in the APU Review process (e.g. Kaletra PARD increase, Endothelin CRO savings, etc.).

I would appreciate it if each of you can review (analysts please review your respective projects). I think the most "controversial" proposal is increasing the 773 target by \$1.6MM. Bill I would appreciate it if you could do a scrub of Oracle upon your return from vacation. I noticed that your development cost summary reflects different numbers than currently in Oracle (incidentally the \$1.2MM SPD reduction needs to get dialed into Oracle). At a minimum, we should increase the 773 target for the IV Phase I study.

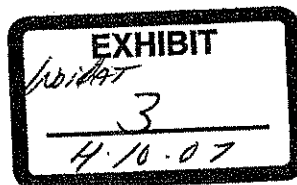
Let me know your comments.

Tom



Page 100proposed.xls

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ABBT364018

2001 APRIL UPDATE  
GLOBAL PHARMACEUTICAL RESEARCH & DEVELOPMENT  
KEY PROJECT SUMMARY  
(\$MM)

Actuals thru 2000	FRANCHISES	2001 PLAN	2001 APU	Proposed Adjust	2001 APU REVISED	APU vs PLAN Fav(Unfav)	COMMENTS
	<b>NEUROLOGY</b>						
179.9	Depakote	24.1	24.1	(0.8)	23.5	0.6	Lower Impulsive Aggression costs
156.5	Gabril	1.4	1.4		1.4		No target cost - assume risk of \$0.3MM for CRO payment
82.2	ABT-594 (formerly CCM)	6.5	9.5		9.5		
2.7	CDX - II (ABT-903)	1.2	1.2	0.1	1.3	(0.1)	PARD stability S.2UM (SS to confirm amt), offset by target adj
1.6	ABT-659 (formerly ChCM)	0.6	0.6	0.3	0.9	(0.3)	PARD stability (SS to confirm amt)
	ABS-103	-	-		-		
	NPS-1776	-	-		-		
	RP Scherer / Alza (Hydrocodone)	4.0	4.0		4.0		
302.9	Subtotal NEUROLOGY	40.6	40.6	(0.2)	40.4	0.2	
	<b>ANTI INFECTIVE</b>						
362.6	Clarithromycin	14.9	14.9		14.9	-	\$0.3MM of task required to achieve target
163.8	Ketolide (ABT-772)	88.0	88.0	1.5	89.5	(1.5)	Fund IV form Ph I \$0.5MM and adj target to detail budget
11.6	Quinolone (ABT-492)	24.5	24.5	(0.2)	24.3	0.2	Adj target to detail budget
	Neuraminidase (ABT-877)	-	-		-		
	Omnicef	4.9	4.9	(0.1)	4.8	0.1	Adj target to detail budget
559.2	Subtotal ANTI INFECTIVE	132.3	132.3	1.3	133.6	(1.3)	
	<b>UROLOGY/CARDIOLOGY</b>						
85.7	BPH Backup (ABT-980)	2.3	2.3		2.3	-	
14.1	Fenofibrate (Fournier)	1.4	1.4	0.6	2.0	(0.6)	Continue PARD stability work (not in 01 Plan target)
12.5	Nippon Shinyaku (NS-49)	-	-		-		
	KCO (ABT-598)	5.0	5.0		5.0		
112.1	Subtotal UROLOGY/CARDIOLOGY	8.7	8.7	0.6	9.3	(0.6)	
	<b>HIV</b>						
397.3	Ritonavir	4.0	4.0	0.2	4.2	(0.2)	Warfarin Interaction Study (EU Registration)
215.7	Kaletra	51.0	51.0	1.0	52.0	(1.0)	Stability & Discontinuation issues; target with reflects \$1.2MM task
61.0	Cyclosporins	2.5	2.5		2.5		Target reflects \$262M task judgment
575.0	Subtotal HIV	57.5	57.5	1.2	58.7	(1.2)	
	<b>CANCER</b>						
96.4	Endothelin (ABT-627)	38.5	38.5	(0.4)	38.4	0.4	Primary Phase III CRO savings .5MM
11.0	TSP #1 (ABT-510)	10.0	10.0	0.6	10.6	(0.6)	SPD increase (offset in Other-Pilot Plant Enzyme Cap)
6.6	Metastaseptinase (ABT-518)	7.4	7.4	(0.1)	7.3	0.1	
3.9	Anti-Mitotic (ABT-751)	5.4	5.4	(0.1)	5.3	0.1	
1.0	K-5 (ABT-828)	-	-		-		
	FTI #2	-	-		-		
117.9	Subtotal CANCER	64.6	64.6	(0.0)	64.6		
n/a	Other	88.1	88.1	(2.6)	85.5	2.6	
n/a	Affordability	(5.0)	(5.0)		(5.0)		
n/a	Total Development	380.0	380.0	0.0	380.0	0.0	
n/a	Discovery	192.0	192.0		192.0		
n/a	Total Gross w/o KNOLL	572.8	572.8	0.0	572.8	0.0	
n/a	KNOLL Projects*	n/a	263.0	263.0	263.0	n/a	

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ABBT364019

\*\*\*\*\*Total Project with Knoll\*\*\*\*\* 572.0 2835.0 2835.0 2835.0 2835.0

\*Knoll Project detail is located in the Knoll tab of the Book  
\*\*Excludes Sister Divisions

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ABBT364020

**PLs' SH**



John Hancock/Abbott  
Choate, Hall & Stewart  
StoneTurn - Time Sheet Report (Timeslips System through 9/30/05)

Transaction	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Brian Napper	Conference Call	6/7/04	2.00	Conference call w/ opposing counsel and Choate plus prep.
TIME	Choate/JH0001	Brian Napper	Review Documents	6/30/04	6.00	Review of Abbott production of docs
TIME	Choate/JH0001	Brian Napper	Discussions	7/1/04	0.50	Discussions w/ site team
TIME	Choate/JH0001	Brian Napper	Discussions	7/7/04	0.50	Discussions w/ Team in Chicago
TIME	Choate/JH0001	Brian Napper	Discussions	7/12/04	0.50	Discussions w/ Martinez re: status
TIME	Choate/JH0001	Chris Martinez	Conference Call	4/5/04	1.75	Conference call w/B. Davis & M. Walsh. re: project
TIME	Choate/JH0001	Chris Martinez	Review Documents	4/9/04	2.75	Development of Schedule A' for Audit notification to Abbott and review of agreement and exhibits"
TIME	Choate/JH0001	Chris Martinez	Review Documents	4/20/04	5.00	Review of Hancock documents at Choate offices
TIME	Choate/JH0001	Chris Martinez	Conference Call	5/6/04	2.00	Conference call w/ Brian Davis/Steve Blewitt/ contract review
TIME	Choate/JH0001	Chris Martinez	Analysis	5/31/04	4.00	Review documents
TIME	Choate/JH0001	Chris Martinez	Meeting	6/3/04	2.00	Meeting w/Choate and John Hancock, and prep.
TIME	Choate/JH0001	Chris Martinez	Conference Call	6/7/04	2.00	Conference call w/Winston & Strawn and prep.
TIME	Choate/JH0001	Chris Martinez	Review Documents	6/10/04	2.00	Review of John Hancock documents
TIME	Choate/JH0001	Chris Martinez	Review Documents	6/11/04	2.00	Review of John Hancock documents
TIME	Choate/JH0001	Chris Martinez	Analysis	6/14/04	5.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/15/04	5.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/16/04	4.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/24/04	4.00	Analysis of Research Funding Agreement and related correspondence
TIME	Choate/JH0001	Chris Martinez	Analysis	6/25/04	2.00	Analysis of Research Funding Agreement and related correspondence
TIME	Choate/JH0001	Chris Martinez	Analysis	6/29/04	2.00	Analysis of correspondence and funding agreement
TIME	Choate/JH0001	Chris Martinez	Analysis	6/30/04	8.00	Document review at Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	7/7/04	8.00	Document review at Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	7/8/04	8.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/9/04	4.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/19/04	6.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/20/04	6.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/21/04	4.00	Abbott document organization and analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	7/26/04	2.00	document index organization and review
TIME	Choate/JH0001	Chris Martinez	Discussions	8/9/04	1.50	Discussions w/ counsel KCT and review of documents observed
TIME	Choate/JH0001	Chris Martinez	Review Documents	10/12/04	4.50	Review of Abbott produced documents
TIME	Choate/JH0001	Chris Martinez	Analysis	10/15/04	2.00	Analysis of documents produced by Abbott
TIME	Choate/JH0001	Chris Martinez	Review Documents	12/6/04	6.00	Review of documents copied and prep for 12/9 meeting w/Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	12/7/04	2.00	Analysis of documents required to perform review of Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	12/8/04	3.00	Analysis of documents reviewed
TIME	Choate/JH0001	Chris Martinez	Analysis	12/9/04	1.00	prep for Abbott meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/13/04	3.00	discussion w/B. Davis and prep for 12/17 meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/14/04	5.00	Analysis of documents produced by Abbott / prep for 12/17 meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/15/04	4.00	discussion w/B. Davis and prep for 12/17 meeting with Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	12/17/04	6.00	Meeting w/Abbott and B. Davis and meeting prep.
TIME	Choate/JH0001	Chris Martinez	Meeting	1/17/05	1.00	Analysis of electronic information provided by Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	1/19/05	2.00	Analysis/review of information requested of Abbott and information received
TIME	Choate/JH0001	Chris Martinez	Analysis	1/20/05	7.00	Document review at Abbott Facility; summary of information reviewed
TIME	Choate/JH0001	Chris Martinez	Analysis	1/28/05	1.00	preparation and doc review for visit to Abbott on 1/31
TIME	Choate/JH0001	Chris Martinez	Review Documents	1/31/05	6.00	Review of Abbott docs at Mundelein facility
TIME	Choate/JH0001	Chris Martinez	Analysis	2/7/05	2.00	Analysis of Abbott docs produced
TIME	Choate/JH0001	Chris Martinez	Analysis	2/8/05	4.00	Analysis of Abbott docs produces; call to Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	2/9/05	4.00	Analysis of Abbott docs; discussion w/counsel
TIME	Choate/JH0001	Chris Martinez	Conference Call	2/10/05	1.00	Call w/counsel; Abbott doc analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	2/28/05	1.00	Analysis of ABT 594 documents
TIME	Choate/JH0001	Chris Martinez	Analysis	3/4/05	3.00	Analysis of documents reviewed re: compounds
TIME	Choate/JH0001	Chris Martinez	Review Documents	3/7/05	9.00	Review of Abbott docs in Mundelein

# REDACTED

Transaction Type	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Chris Martinez	Review Documents	3/8/05	3.00	Review of documents/index review
TIME	Choate/JH0001	Chris Martinez	Conference Call	3/11/05	1.00	Conference call w/team re: strategy
TIME	Choate/JH0001	Chris Martinez	Conference Call	3/16/05	0.50	Conference call w/m. hair re: abbott docs
TIME	Choate/JH0001	Chris Martinez	Analysis	3/22/05	1.00	document analysis; discussion with Hair
TIME	Choate/JH0001	Chris Martinez	Analysis	3/23/05	4.00	prep for call with counsel on 3/24; document review and analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	3/24/05	5.00	call with counsel and prep; review of relevant ABT-510 and 594 documents
TIME	Choate/JH0001	Chris Martinez	Analysis	3/30/05	1.00	Analysis of Abbott production of docs
TIME	Choate/JH0001	Chris Martinez	Analysis	4/12/05	1.00	Analysis of documents to be sent to counsel
TIME	Choate/JH0001	Chris Martinez	Analysis	4/13/05	0.50	Analysis of licensing docs
TIME	Choate/JH0001	Christopher Fern	Conference Call	6/24/04	1.00	Conference call w/
TIME	Choate/JH0001	Christopher Fern	Review Documents	6/25/04	3.00	Review of Contract
TIME	Choate/JH0001	Christopher Fern	Review Documents	6/29/04	4.00	Review of
TIME	Choate/JH0001	Christopher Fern	Analysis	6/30/04	8.00	Analysis of documents
TIME	Choate/JH0001	Christopher Fern	Analysis	7/1/04	8.00	Analysis of
TIME	Choate/JH0001	Christopher Fern	Analysis	7/2/04	4.00	Analysis of
TIME	Choate/JH0001	Christopher Fern	Review Documents	7/6/04	2.00	Index
TIME	Choate/JH0001	Christopher Sandman	Other	6/23/04	6.00	Researched compounds that were being developed by Abbott Labs.
TIME	Choate/JH0001	Christopher Sandman	Analysis	6/24/04	8.00	Analysis of funding agreement between Abbot and John Hancock and analysis of Abbot's yearly budgets.
TIME	Choate/JH0001	Christopher Sandman	Analysis	6/30/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/1/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/7/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/8/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/9/04	4.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/19/04	7.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/20/04	6.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/21/04	7.00	Analysis of documents from Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	1/27/05	3.00	Analysis of documents in preparation for next week in Chicago. Also, planned travel arrangements
TIME	Choate/JH0001	Joshua Dennis	Analysis	1/28/05	2.25	Analysis of documents in preparation for next week in Chicago. Also, planned travel arrangements
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/1/05	1.25	Spoke with Mark Hair regarding the current situation w/ Abbott. Also, made travel plans and print/read relevant documents
TIME	Choate/JH0001	Joshua Dennis	Other	3/7/05	8.50	Flagged additional documents for copying and compared current boxes in warehouse to inventory list.
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/8/05	8.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/9/05	8.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/10/05	4.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/15/05	8.25	Analysis and organization of documents received from JH
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/16/05	8.75	Analysis and organization of documents relating to compounds ABT-518 and ABT-594
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/17/05	9.00	Analysis and organization of documents relating to compounds ABT-518 and ABT-594
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/18/05	9.50	Analysis and organization of documents relating to compounds ABT-518. Built relevant excel worksheets and summary
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/19/05	6.50	Analysis and organization of documents relating to compounds ABT-518. Built relevant excel worksheets and summary
TIME	Choate/JH0001	Joshua Dennis	Analysis	4/5/04	3.00	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/6/04	0.50	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/7/04	0.50	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/20/04	6.00	Review of Hancock documents at Choate offices and formatting
TIME	Choate/JH0001	Kyla Piercey	Review Documents	2/18/05	3.25	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/21/05	8.25	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/22/05	5.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/22/05	3.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/23/05	8.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/1/05	9.50	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/2/05	9.75	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/17/05	6.50	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/18/05	4.50	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/22/05	1.00	Analysis of
TIME	Choate/JH0001	Mark Hair	Analysis	1/31/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/1/05	8.00	

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**REDACTED**

Transaction	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Mark Hair	Analysis	2/2/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/3/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/4/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/7/05	4.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/8/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/9/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/14/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/15/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/16/05	8.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/17/05	7.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/18/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/21/05	5.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/22/05	5.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/28/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/1/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/2/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/3/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/4/05	1.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/7/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/8/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/9/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/10/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/11/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/14/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/15/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/16/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/17/05	8.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/18/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/19/05	5.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/21/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/22/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/23/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/24/05	4.00	
TIME	Choate/JH0001	Mark Hair	Meeting	3/24/05	3.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/25/05	1.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/28/05	3.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/29/05	3.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/30/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/31/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/1/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	4/4/05	3.50	
TIME	Choate/JH0001	Mark Hair	Analysis	4/5/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/6/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/8/05	1.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/11/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/12/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/13/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/14/05	2.00	

Choate/JH0001 Neil Zoltowski

Other

9/2/04

1.00 Prep for trip to client site

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Transaction Type	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Neil Zoltowski	Review Documents	9/3/04	4.00	Review of documents at client site (Mundelein, IL)
TIME	Choate/JH0001	Shelly Irvine	Analysis	11/1/04	1.00	Analysis of
TIME	Choate/JH0001	Shelly Irvine	Analysis	11/2/04	4.50	doc review



**PLs' NQ**

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
May 08, 2004	1017	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: April 5 through May 6, 2004.

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	21.50	\$6,562.50
Total Out of Pocket Expenses		\$1,412.80
Total amount of this bill		<u>\$7,975.30</u>

Remit Wire Payments to:  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002843  
 StoneTurn Group LLP A/C#4055518

**CONFIDENTIAL**  
**JHII 021505**

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 58 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
June 17, 2004	1023	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: May 7 through June 16, 2004.

Professional Services

	<u>Hours</u>	<u>Amount</u>
Brian Napper	2.00	850.00
Chris Martinez	26.00	9,750.00
For professional services rendered	28.00	\$10,600.00
Additional Charges :		
6/3/2004 Taxi to Choate from hotel		10.00
6/8/2004 Telephone - Business(not cellular) call to Napper in Mexico to prep for Abbott/Hancock call on 6/7		9.00
6/16/2004 Printing & Copying and delivery		98.64
Total Out of Pocket Expenses		<u>\$117.64</u>
Total amount of this bill		<u><u>\$10,717.64</u></u>

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**JHII 021506**

Brian Davis, Esq.

Page 2

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	2.00	\$850.00
Chris Martinez	26.00	\$9,750.00

Remit Wire Payments to:  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002343  
StoneTurn Group LLP A/C#4055513

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JHII 021507



Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
July 16, 2004	1035	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: June 17 through July 9, 2004.

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	\$425/hr	7.00	\$2,975.00
Chris Martinez	\$375/hr	36.00	\$13,500.00
Christopher Fern	\$300/hr	26.00	\$7,800.00
Christopher Sandman	\$75/hr	46.00	\$3,450.00
For professional services rendered		<u>115.00</u>	<u>\$27,725.00</u>

Additional Charges :

Airplane Tickets	\$6,717.90
Auto - Mileage	\$36.00
Auto Parking - Travel	\$198.00
Auto Rental	\$389.43
Hotel	\$2,655.60
Meals - Travel	\$702.63
Printing & Copying	\$9.93

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**JHII 021508**

Brian Davis, Esq.

Page 2

	<u>Amount</u>
Taxi	\$217.00
Telephone - Business(not cellular)	\$24.25
Total Out of Pocket Expenses	<u>\$10,950.74</u>
Total amount of this bill	<u><u>\$38,675.74</u></u>

**Mail Checks to:**  
StoneTurn Group, LLP  
60 State Street  
Suite 700  
Boston, MA 02109

**Remit Wire Payments to:**  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002848  
StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

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**JHII 021509**

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
August 17, 2004	1049	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: July 12 through August 9, 2004

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	\$425/hr	0.50	\$212.50
Chris Martinez	\$375/hr	19.50	\$7,312.50
Christopher Fern	\$300/hr	4.00	\$1,200.00
Christopher Sandman	\$75/hr	24.00	\$1,800.00
For professional services rendered		<u>48.00</u>	<u>\$10,525.00</u>
Additional Charges :			
Airplane Tickets			\$2,110.40
Auto - Mileage			\$18.00

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**JHH 021510**

Brian Davis, Esq.

Page 2

	<u>Amount</u>
Auto Parking - Travel	\$22.00
Auto Rental	\$180.45
Hotel	\$1,178.24
Meals - Travel	\$116.17
Taxi	\$70.00
Total Out of Pocket Expenses	<u>\$3,695.26</u>
Total amount of this bill	<u><u>\$14,220.26</u></u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

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**JHII 021511**



Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
December 13, 2004	1103	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: September 2 through December 10, 2004

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	29.00	\$10,100.00
Total Out of Pocket Expenses		\$1,708.52
Total amount of this bill		<u>\$11,808.52</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513



**STONETURN**  
GROUP

Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1103

**Time Charges:**

Name	Level	Hours	Rate	Total
Martinez	Partner	18.50	375	6,937.50
Irvine	Managing Director	5.50	325	1,787.50
Zoltowski	Manager	5.00	275	1,375.00
		<u>29.00</u>		<u>\$ 10,100.00</u>

**Expense Detail:**

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Irvine	Managing Director	616.70	238.57	199.00	22.00			1,076.27
Zoltowski	Manager	473.69		146.65	11.91			632.25
Total Expense		<u>\$ 1,090.39</u>	<u>\$ 238.57</u>	<u>\$ 345.65</u>	<u>\$ 33.91</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,708.52</u>

CONFIDENTIAL  
JHII 021513

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 58 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
January 26, 2005	1120	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: December 13, 2004 through January 21, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	28.00	\$10,500.00
Total Out of Pocket Expenses		\$1,718.37
Total amount of this bill		<u>\$12,218.37</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021514**



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1120

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	28.00	375	10,500.00
		<u>28.00</u>		<u>\$ 10,500.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	1,246.60	176.46	230.31	65.00			1,718.37
Total Expense		<u>\$ 1,246.60</u>	<u>\$ 176.46</u>	<u>\$ 230.31</u>	<u>\$ 65.00</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,718.37</u>

CONFIDENTIAL  
JHII 021515



Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
February 10, 2005	1131	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: January 24 through February 4, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	33.75	\$10,400.00
Total Out of Pocket Expenses		\$2,442.07
Total amount of this bill		<u>\$12,842.07</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

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StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021516**



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1131

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	7.00	375	2,625.00
Hair	Managing Director	21.50	325	6,987.50
Dennis	Consultant	5.25	150	787.50
		<u>33.75</u>		<u>\$ 10,400.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	628.40		18.00	23.00			669.40
Hair	Managing Director	725.41	353.30	211.23	61.82			1,351.76
Dennis	Consultant	420.91						420.91
Total Expense		<u>\$ 1,774.72</u>	<u>\$ 353.30</u>	<u>\$ 229.23</u>	<u>\$ 84.82</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,442.07</u>

CONFIDENTIAL  
JHII 021517

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 58 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 03, 2005	1186	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: February 7 through February 18, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	71.25	\$23,137.50
Total Out of Pocket Expenses		\$1,137.22
Total amount of this bill		<u>\$24,274.72</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021518**



**STONETURN**  
GROUP

Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1136

**Time Charges:**

Name	Level	Hours	Rate	Total
Martinez	Partner	11.00	375	4,125.00
Hair	Managing Director	57.00	325	18,525.00
Shevchenko	Consultant	3.25	150	487.50
		<u>71.25</u>		<u>\$ 23,137.50</u>

**Expense Detail:**

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner			20.00		39.79		59.79
Hair	Managing Director	528.60	375.36	115.80	57.67			1,077.43
Total Expense		<u>\$ 528.60</u>	<u>\$ 375.36</u>	<u>\$ 135.80</u>	<u>\$ 57.67</u>	<u>\$ 39.79</u>	<u>\$ -</u>	<u>\$ 1,137.22</u>

CONFIDENTIAL  
JHII 021519



Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 03, 2005	1136	Due Upon Receipt

In Reference To: John Hancock

For Professional Services Rendered: February 7 through February 18, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	71.25	\$23,137.50
Total Out of Pocket Expenses		\$1,137.22
Total amount of this bill		<u><u>\$24,274.72</u></u>

**CONFIDENTIAL**  
**JHII 021520**

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 58 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 22, 2005	1152	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: March 6 through March 20, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	164.50	\$89,612.50
Total Out of Pocket Expenses		\$5,871.80
Total amount of this bill		<u>\$45,484.30</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1152

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	13.50	375	5,062.50
Hair	Managing Director	68.00	325	22,100.00
Dennis	Consultant	72.00	150	10,800.00
Shevchenko	Consultant	11.00	150	1,650.00
		<u>164.50</u>		<u>\$ 39,612.50</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	578.40	199.23	79.00	141.39	156.32		1,154.34
Hair	Managing Director	100.00	676.57	394.25	85.71			1,256.53
Dennis	Consultant	1,186.90	1,893.16	189.90	190.97			3,460.93
Total Expense		<u>\$ 1,865.30</u>	<u>\$ 2,768.96</u>	<u>\$ 663.15</u>	<u>\$ 418.07</u>	<u>\$ 156.32</u>	<u>\$ -</u>	<u>\$ 5,871.80</u>

CONFIDENTIAL  
JHII 021522

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
April 18, 2005	1168	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: March 21 through April 1, 2005

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Chris Martinez	\$375/hr	11.00	\$4,125.00
Mark Hair	\$325/hr	47.00	\$15,275.00
For professional services rendered		58.00	\$19,400.00
Total Out of Pocket Expenses			\$1,114.07
Total amount of this bill			<u>\$20,514.07</u>

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**Mail Checks to:**  
StoneTurn Group, LLP  
60 State Street  
Suite 700  
Boston, MA 02109

**Remit Wire Payments to:**  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002343  
StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

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Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1168

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	11.00	375	4,125.00
Hair	Managing Director	47.00	325	15,275.00
		<u>58.00</u>		<u>\$ 19,400.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner					279.12		279.12
Hair	Managing Director					834.95		834.95
Total Expense		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,114.07</u>	<u>\$ -</u>	<u>\$ 1,114.07</u>

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**PLs' SC**

(Example of one document reviewed in Mundelein during 3/7/05 - 3/10/05 and not copied for StoneTurn. Information input by MH at 1060 N. High Street Warehouse)

**John Hancock Portfolio summary  
Revenue Recognition  
2003 Plan - Plan Book**

Compounds	2004 Actuals	2002 LBE	2003 Plan	Total Cumulative
ABT-773 Ketolide Oral & IV	80.9	19.7	1.7	102.3
ABT-627 Endothelin	34.1	50.4	70.9	155.4
ABT-584 Neuro Pain	7.8	1.4	0	9.2
ABT-492 TSP	8.8	12.1	19.1	40
ABT-510 Quinolone Tablet	23.1	30.6	7.1	60.8
ABT-518 MMPi	3.7	0	0	3.7
ABT-751 Anti-Mitotic	6.5	9.8	10.7	27
ABT-100 FTI	3.6	2.4	0	6
ABT-724 Dopamine Receptor Agonist (ED)	3.2	5.5	0	8.7
<b>Total</b>	<b>171.7</b>	<b>131.9</b>	<b>109.5</b>	<b>413.1</b>

**2003 Plan Revenue Recognition Tests**

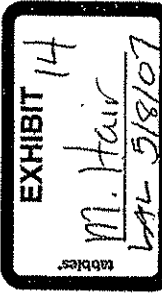
**Test One**

2003 Plan Spend = \$110MM  
 Minimum Spend Required = \$108MM  
 Ration Plan Spend / Minimum Spend ≥ 1 → Recognize Net Revenue = \$56MM

**Test Two**

(Cum. Program Spend / Total Net Program Expense X Total Net Program Revenue) - Prior Net Revenue Recognized = Net Revenue Recognized  
 = (\$413.2MM / \$800 MM) X \$200MM - \$94MM = \$44MM

Recognize lesser of Test 1 & Test 2 → Net Revenue recognized = \$44MM.



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